



Province of Newfoundland and Labrador

FORTY-SEVENTH GENERAL ASSEMBLY  
OF  
NEWFOUNDLAND AND LABRADOR

---

Volume XLVII

THIRD SESSION

Number 32

---

HANSARD

*Speaker: Honourable Ross Wiseman, MHA*

Monday

26 May 2014

The House met at 1:30 p.m.

**MR. SPEAKER (Wiseman):** Order, please!

Admit strangers.

Before we start today's proceedings, I want to acknowledge some special guests in our galleries. Today, from the Town of Bishop's Falls we have the Mayor, Bob Hobbs, together with the Deputy Mayor, Doreen Tremblett, Councillor Brian King, and Town Manager Randy Drover.

Welcome to the House of Assembly.

**SOME HON. MEMBERS:** Hear, hear!

**Statements by Members**

**MR. SPEAKER:** Today we will have members' statements from the Member for the District of Cartwright – L'Anse au Clair, the Member for the District of Exploits, the Member for the District of Humber West, the Member for the District of Harbour Main, the Member for the District of Lewisporte, the Member for the District of Bay of Islands.

The hon. the Member for the District of Cartwright – L'Anse au Clair.

**MS DEMPSTER:** Thank you, Mr. Speaker.

Mr. Speaker, I rise in this hon. House today to recognize the Charlottetown Relay for Life, which will take place this weekend in my hometown of Charlottetown. This is the ninth year for this annual event that includes teams from Mary's Harbour to Cartwright. To date, \$165,000 has been raised for cancer research and assistance, an astronomical amount when you consider the small coastal communities in Labrador.

Mr. Speaker, today I want to especially recognize the Charlottetown Relay Committee and the Town of Charlottetown, a community of 300 people. They put their heart and soul into organizing this event year after year. Tragically affected by the death of one of its residents, Ray Turnbull, after losing his battle with cancer, the residents of Charlottetown have worked

tirelessly to keep his memory alive through the annual Relay for Life.

Like Charlottetown, many communities around our Province hold Relay for Life and I want to thank them for their efforts in assisting cancer victims and their families.

Mr. Speaker, I ask all hon. members to join me in recognizing the Charlottetown Relay for Life and all the neighbouring towns who show strong support for this event.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for the District of Exploits.

**MR. FORSEY:** Mr. Speaker, for the second year in a row, teacher Deanne Barker's Grade 5 and 6 classes at Point Leamington Academy took part in the Canadian Geographic Classroom Energy Diet Challenge, a K-12 initiative aimed at helping increase energy consumption awareness in students through a series of fun challenges.

Mr. Speaker, the challenges focused around reducing energy consumption and included things like learning about carbon footprints and ways to live greener life at school and home.

Out of hundreds of schools across Canada that participated, Ms Barker's classes came out on top receiving a \$4,000 technology gift card and \$1,000 to a charity of their choice, which they donated to the local volunteer fire department to put towards their share of a new fire truck.

Mr. Speaker, I ask all members of this House to join me in congratulating Deanne Barker's Grade 5 and 6 classes at Point Leamington Academy of their national award.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Humber West.

**MR. GRANTER:** Mr. Speaker, I stand in this hon. House to congratulate Mr. Fred Alteen on being named Corner Brook's Citizen of the Year for 2013 at the ACE Awards ceremony held recently.

Mr. Alteen has been a businessman and volunteer in the community for many years. Originally from Amherst, Nova Scotia, his community involvement goes back to before he came to Newfoundland when he joined the Kinsmen in North Sydney in 1947.

He served overseas with the Royal Canadian Air Force in WWII and has been a loyal member of Branch 13 of the Royal Canadian Legion for more than sixty years. His advocacy work on behalf of veterans is second to none. A crowning achievement was his tireless work in establishing a dedicated space for veterans at the O'Connell Centre through the DVA ward.

Mr. Alteen believes that it is important to give to the community in order to make it a better place to live for all. His contribution throughout the years in Corner Brook reinforces that belief.

I ask all hon. members to join with me in congratulating Mr. Fred Alteen on his most recent recognition as Corner Brook's Citizen of the Year for 2013.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for the District of Harbour Main.

**SOME HON. MEMBERS:** Hear, hear!

**MR. HEDDERSON:** Thank you, Mr. Speaker.

I rise today in this hon. House to honour a Korean War Veteran, Mr. Gilbert Thomas Hillier from Colliers who passed away on April 28, 2014, at the age of 83.

Born in Meadows, Lamaline, Mr. Hillier was orphaned at a very early age and raised by a family friend. Leaving home at sixteen, he jobbed around before he answered a call to duty, joining the Canadian Army in 1952.

He served in Korea from 1953 to 1955 as a Sapper, tasked with disarming mine fields, a very dangerous and often deadly activity. Mr. Hillier, like most vets, spoke little of his war experiences, but honoured his fallen comrades each year at community memorial services, proudly displaying his service medals, especially, a sixty-year Peace Ambassador Medal he received in 2013.

Mr. Hillier was discharged in 1955 and married Ms Nell O'Toole and settled in Colliers, Conception Bay. He became a respected and well sought-after driller and shot-firer/blaster. His last project was repainting the family home at the age of eighty-three, just prior to this death.

Predeceased by his wife and sons William, Gary, and Gilbert Jr., he is survived by his children Don, Jason, Paddy, Patsy, Liz, Linda, Jeannette and, of course, their families.

I certainly ask all members of this hon. House to join with me in honouring a Korean War Veteran, an extraordinary Newfoundlander and Labradorian, Mr. Gilbert Thomas Hillier.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for the District of Lewisporte.

**MR. VERGE:** Mr. Speaker, I rise today to recognize a young, talented, and outstanding fifteen-year-old musician from Lewisporte. Chloe Gale started taking piano lessons at age four and made her first public performance a year later.

She has continued to excel as a pianist under the tutelage of music teacher, Lindy Whitt, and also as a vocalist under the instruction of her teacher, Maxine Stanley. Chloe has participated in the Kiwanis Music Festival at Grand Falls-Windsor for many years and she has received numerous awards.

Her award list includes the Hennessey Rose Bowl Award for Best Solo Performance in Junior Competition in 2010, 2012, 2013 and again this year in 2014. In addition to this prestigious award, she also received the Kelly

Family Award for participating in the Rose Bowl Competition, the Greco Pizza Donair Award for Best Performance in Junior Piano, and the Cole Award for the Most Outstanding Performance of the entire festival.

Chloe also finds time to participate in her school band as an Alto Sax player and to also play volleyball with her school team. Chloe plans to pursue a career in music.

Honourable colleagues, please join with me in congratulating this talented young musician, Chloe Gale.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for District of Bay of Islands.

**MR. JOYCE:** Mr. Speaker, this past Friday evening, I had the privilege of attending the graduation at St. James All Grade in Lark Harbour.

The eleven graduates, Joshua Childs, Kirklind Childs, Nicholas Childs, Tyler Darrigan, Jenna Flood, Mitchel Herritt, Ryan Park, Bobbi Sheppard, Brittany Sheppard, Megan Sheppard and Christopher Strickland, with their family and friends, had an exceptional night.

The students were so appreciative of their families, teachers, and each other for helping shape their lives and make them the individuals they are today. The joy of their parents, grandparents, siblings, and teachers was evident as they spoke on how the students bonded at a young age, became best friends, and now are ready to become our next leaders. The night was filled with tears as the students and teachers spoke of the years together and how they have all grown together.

As they did their grand march, all in attendance were beaming with joy and pride, knowing that these young men and women can accomplish anything they wish and they can be whatever they aspire to be and are our future leaders.

Mr. Speaker, I ask all members to join me in extending congratulations to the 2014 graduating

class of St. James All Grade and, rest assured, our future is in safe hands.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Minister Responsible for Labrador and Aboriginal Affairs.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Mr. Speaker, I rise in this hon. House today to congratulate the newly elected and re-elected members of the Nunatsiavut Assembly. Congratulations are also extended to all those who put themselves forward as candidates in the May 6 election. It takes a great amount of hard work and commitment to run in an election and all twenty-three candidates should be recognized.

The Nunatsiavut Government was established on December 1, 2005. In addition to the Nunatsiavut Government, there are also five Inuit Community Governments representing the communities of Nain, Hopedale, Postville, Makkovik, and Rigolet. Self-government was, and continues to be, a tremendous accomplishment and has thrived.

Mr. Speaker, since 2005, the provincial government and the Nunatsiavut Government have continued to make great strides toward a strong, meaningful, and collaborative relationship.

In May 2013, President Leo and the Nunatsiavut Executive Council travelled to St. John's to meet with the provincial Cabinet to discuss priority areas that affect both governments including, among many other topics, education and housing. As well, earlier this year President Leo met with a series of provincial government ministers individually.

Our government continues to work collaboratively with the Nunatsiavut Government to ensure that a positive working relationship prevails.

In April of this year, the Minister Responsible for the Newfoundland and Labrador Housing

Corporation visited Nain to announce a partnership between the Nunatsiavut Government and the Newfoundland and Labrador Housing Corporation to assist low-income private homeowners in Inuit communities to complete major home renovations. The Nunatsiavut Government and the Newfoundland and Labrador Housing Corporation each contributed \$350,000 to this program for a total investment of \$700,000.

Mr. Speaker, this is a positive investment that will bring benefits to the Inuit and captures the spirit of co-operation and collaboration that exists between our governments.

Please join me, again, in congratulating Inuit on their election. As the Minister Responsible for Labrador and Aboriginal Affairs, I very much look forward to working with the elected members in the future.

Thank you: Nakkumek.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Torngat Mountains.

**MR. EDMUNDS:** Thank you, Mr. Speaker.

I thank the minister for the advance copy of his statement. It is a pleasure to rise for the second time to congratulate the Nunatsiavut Government on their recent election. Along with what the minister said that the five community governments as well have representation, the Nunatsiavut Government also has representation at the Canadian constituency level as well as Upper Lake Melville.

Mr. Speaker, I was quite pleased to have the opportunity to attend the swearing-in ceremonies in Hopedale last month with the new members and to wish the outgoing members well. I actually took the time to sit down with each of the elected members to talk about some of our common issues. I certainly look forward and we, on this side, look forward to keep that ongoing relationship open. I think it was just yesterday morning, Mr. Speaker, that I had the privilege of talking to the Speaker of the Nunatsiavut Government, Mr. Sean Lyall, and

he is actually in Iqaluit as we speak doing training.

On behalf of our side, we, too, would like to extend our congratulations to the Nunatsiavut Government and look forward to a working relationship with them as well.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Third Party.

**MS MICHAEL:** Thank you very much, Mr. Speaker.

I, too, thank the minister for the advance copy of his statement. I am delighted to join with him and my colleague from Torngat Mountains in congratulating the people of Nunatsiavut on their successful elections to the Nunatsiavut Assembly.

Democracy is alive and well in Labrador. The people of Nunatsiavut fought long and hard to see their nation created and the number and calibre of candidates, both successful and not, speak to the success of their quest for self-government. It is important that government continue to forge a strong and positive relationship with the Nunatsiavut Government for the sake of the people they represent as well as for the Province of Newfoundland and Labrador.

Their fight for self-government was a fight to ensure their concerns were heard and their needs met, and I know they will keep on making sure that those needs are met. They have shown they can represent themselves clearly and forcefully, and I wish the new Assembly every success as they settle down to the hard work ahead of them.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Minister of Education.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KING:** Thank you.

Mr. Speaker, last week I had the great privilege of officially opening the thirty-eighth Provincial Theatre Arts Festival, which took place here in St. John's over the weekend.

Ten schools and over 130 students throughout Newfoundland and Labrador took part in this year's festival. Productions were held at the LSPU Hall and theatre-related workshops were held at Memorial University of Newfoundland.

Mr. Speaker, the commitment and talent displayed by the students, teachers, and volunteers onstage and behind the scenes was incredible. Through events like this, we are developing and nurturing the next generation of actors, writers, musicians, set designers, technicians, and directors, for which our Province is becoming increasingly recognized on the national and international stage.

Our government is committed to helping our students discover and develop their artistic talent and creative skills. That is why we provide \$50,000 annually to support the Provincial Theatre Arts Festival, and why we have invested millions in recent years to promoting the arts within our schools. Participation in the arts builds confidence and self-esteem, Mr. Speaker, and contributes to a student's overall personal development.

Mr. Speaker, in 2005, the provincial government introduced Cultural Connections, a program designed to support and enhance arts programming in our schools. Since that time, more than \$18.7 million has been invested in musical equipment, art supplies, books, music festivals, heritage fairs, and other programs and activities to benefit students and participating artists.

Mr. Speaker, I invite my colleagues here in the House of Assembly today to join me in congratulating the organizers, participants, volunteers, and the audiences who all contributed to making the 2014 Provincial Theatre Arts Festival a resounding success.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's North.

**MR. KIRBY:** Thank you, Mr. Speaker.

Thanks to the minister for an advance copy of his statement. I, too, would like to join this hon. House in congratulating volunteers who helped this year's Provincial Theatre Arts Festival become a success. We celebrate their hard work and their passion.

The arts in Newfoundland and Labrador are integral to our culture, thriving and flourishing so much that we have been called a creative powerhouse. When our students and schools participate in something as important as the Provincial Theatre Arts Festival, it ought to be hailed for its contribution that these activities make to our cultural literacy.

Our culture is rich and creative, and we know that students performing in the arts in music and theatre in our schools and communities add to the dynamic force of culture we have here in Newfoundland and Labrador. The Provincial Theatre Arts Festival is an ideal outlet to showcase the outstanding work of our students and their excellent teachers. It is also to the credit of their parents and their communities as well.

As the minister says, on a personal level, involvement in theatre arts builds self-esteem and confidence in young artists as they grow through the creative process. For many of them, this is preparation for further involvement and work in our thriving arts community.

**MR. SPEAKER:** Order, please!

The member's time has expired.

**MR. KIRBY:** Thank you, Mr. Speaker.

Congratulations to all involved.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Third Party.

**SOME HON. MEMBERS:** Hear, hear!

**MS MICHAEL:** Thank you very much, Mr. Speaker.

I, too, thank the minister for the advance copy of his statement. Once again, I am very happy to join with my colleagues in congratulating everyone involved in the thirty-eighth Provincial Theatre Arts Festival.

I note the minister says ten schools participating with 130 students, and that is terrific. How wonderful it would be if we could see this number even double or triple. I have no doubt the interest is there because of what we know exists in our Province here culturally. So we need to ensure all students in the Province who want to participate get the opportunity.

A well-rounded education must include the arts. I know from my own education that every student can benefit from participating in artistic endeavours. Participating in school sponsored cultural and artistic events, as well as community events like the Provincial Theatre Arts Festival, is an important opportunity for any young person.

A look at the biographies of many of our prominent artists will show an interest sparked while they were young people in our school system. Whether they are performing arts or the visual arts, music, writing, experiences like this for young people stay with them for life. I think of an artist myself who is now deceased, I taught him in Baie Verte, and he spent all of Grade 8 French classes drawing.

Congratulations to everyone.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Before we start Oral Questions today, I want to welcome a couple of other special guests to our gallery visiting from Victoria, BC, the mother of the Member for Cartwright – L'Anse au Clair, Ms Glenda Goulding, and her husband Mark Bradley.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** If you came all this way to check on her, she is doing fine but she is a bit long-winded.

Oral Questions.

### Oral Questions

**MR. SPEAKER:** The Leader of the Official Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

There are days I agree.

Mr. Speaker, incoming Premier Frank Coleman has finally admitted that he was a guarantor on the Humber Valley Paving contract and that he personally benefitted from government's decision to release the bonds valued at \$90 million.

I ask the minister: Disclosure is extremely important, so did Mr. Coleman disclose to government that he was a guarantor on the bonds before the final decision was made to release them?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, in the department, when we put tenders out, part of our responsibility is to make sure we have all the proper bonds and stuff in place. We do that, and once we receive the bonding certificate, we do not know who the guarantors are. We just make sure that the bonding papers are in place for the particular job.

I remind the audience listening, Mr. Speaker, that the bonds are part of a contract. When we mutually terminated the contract with the conditions that we put forward, we also terminated the bonds with that.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Official Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

What I am talking about is not awarding the contract, what I am talking about is when the decision was made to finalize the contract and release the bonds.

I ask the minister: When did you find out that Mr. Coleman was indeed a guarantor on those bonds?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, again, the responsibility of the department is to make sure that the bonds are in place. Once we receive a certificate saying a bond is in place, we never ask who the guarantors are as long as the bond is valid and covers that contract. That is the responsibility of the department. That is what we made sure of.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Official Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

My question was not about the process.

My question was: When did the minister find out that Mr. Coleman was indeed a guarantor on those bonds?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, I watched the media on Saturday night. That was when it was verified to me on the media that he was a guarantor. It is immaterial to the department. When we put a contract in place, as long as we have all the papers, the bonds in place, it does not matter who guarantees them as long as we have the

bond in place with the contract. That is our responsibility.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Official Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

The bottom line is that when the incoming Premier Frank Coleman personally benefitted from government's decision to release the \$19 million in bonds. At the time, the minister had said there was no conflict of interest.

Given this latest admission and the revelation, as he said of this last weekend, I ask the minister: Do you now think there was a conflict of interest when you made the decision to cancel the contract and release the bonds?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, as I have stated many times in this House of Assembly over the last few weeks, we do not deal with individuals when we are putting contracts in place, we deal with contractors. As long as we have all of the appropriate materials to go with that contract – for example, the bonds in place – that is who we deal with.

We do not deal with personalities or individuals, we deal with contractors. I still stand that the decision we made in the department to move forward for the benefit of the people of Newfoundland and Labrador to get this contract finished on time and on budget was the best decision that we could make.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Official Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

I ask the minister: On March 13 when this discussion started and on March 21 when the



contract was cancelled, did he not find it odd that sometime during that week, with all the reports that were in the media about the incoming Premier, did you not even ask about a potential conflict of interest?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, as I said before, we had everything in place that was necessary to be there. The contract was there, the bonds were there to secure the contract, we reached a mutual agreement, and we have a guarantee for the 60 per cent work that was done. We have done everything necessary.

This is before the Auditor General. I welcome the Auditor General into my department. I am very anxious to see what he is going to say, and I feel confident that he will agree that the right decisions were made here.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Official Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

Well, I ask the minister again: At any point did the incoming Premier, Mr. Frank Coleman, ever disclose to you in your capacity as minister, or were you aware that occurred with any other member of government prior to the finalization or cancellation of this contract on March 21?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

All I will say to that question is, no.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Official Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

The minister has said that he decided to cancel the contract and release the bonds because government did not want to jeopardize the future of the company. Mr. Coleman said last week that there were other options for Humber Valley Paving if the contract was not cancelled.

I ask the minister: Since he has now confirmed that there were other options, why did you choose to cancel the contract and release the bonds, which was the only option that gave Mr. Coleman personal benefit?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, the Leader of the Opposition keeps talking about personal benefits to Mr. Coleman. As I said here earlier today to the first question, the department does not know who the guarantor of the bond is. Our job is to make sure the bond is in place. We did that.

During the last three weeks I have quite often said, through the advice of the department, we looked at what options we had; and the option that we felt was in the best interest of Newfoundlanders and Labradorians was the option that we acted upon: mutually terminate a contract, get the job finished on time and on budget.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Official Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

We know who benefited most from that option, but I will tell you who did not benefit from that. It was the subcontractors and the people in this Province who supplied services who are left now still owed money.

It has been brought to our attention that Humber Valley Paving still has a \$7.8 million paving contract in Western Newfoundland, and we

know that they are trying to get out of this contract or either sell it to another contractor.

So I ask the minister: What is the status of the contract in Western Newfoundland, and when will that work be completed?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

The Leader of the Opposition is correct. There is another contract that was awarded to the company that he is referring to. Right now the solicitors for three different companies, government included, are talking through that to see a go-forward basis on that. When a decision is made, I will be more than happy to share it with the Opposition.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

I ask the minister: Has it been confirmed then that Humber Valley Paving will not be doing that contract?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, we have a contract signed with Humber Valley Paving. To the best of my knowledge right now, that contract will be finished on time and on schedule. I have no other news that Humber Valley Paving will not be doing it at the present time.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Opposition.

**MR. BALL:** What we understand is that project or that contract is already behind schedule.

So, Mr. Speaker, the incoming Premier is floating the idea of privatizing the Newfoundland and Labrador Liquor Corporation, a corporation that contributes over \$150 million a year to the Provincial Treasury and employs hundreds of Newfoundlanders and Labradorians. Now Mr. Coleman is on record as saying that this is something that the Province could look at.

So I ask the minister: Do you support the suggestion of the incoming Premier?

**MR. SPEAKER:** The hon. the Minister of Finance.

**SOME HON. MEMBERS:** Hear, hear!

**MS JOHNSON:** Thank you, Mr. Speaker.

Mr. Speaker, I think it is incumbent on all of us to always be open minded and always review any proposal that may come forward. The department has never done an analysis around the privatization of the NL Liquor Corporation; but should that come forward as something to analyze, then we would be happy to do that. Again, we are open minded and we are open for business.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

Well, it is interesting that the incoming Premier is saying that the Province could look at privatization of the liquor corporation, given that he owns forty private liquor stores in Alberta.

So I ask the minister: Given the incoming Premier's investments in private stores, what are you going to do to ensure in this particular case that there is no conflict of interest?

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board.

**SOME HON. MEMBERS:** Hear, hear!

**MS JOHNSON:** Mr. Speaker, let us be clear for the record; it has not been declared that there is any conflict of interest around the incoming Premier on any business deals or issues before this House. It is unfortunate that the Leader of the Opposition is smearing somebody in this manner.

Of course, we would ensure that if there were any conflict of interest issues that it would be looked at. To date, we have not done an analysis of privatizing NL Liquor, but we would be open to any proposals put forward. We would give it a fair look and then we would go to Cabinet and make a decision.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Official Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

I ask the Minister of Finance: Given the capacity that you serve in this Province as protecting the finances of this Province, would you not find it odd that from March 13 to March 21 when the Humber Valley Paving contract was terminated – don't you find it odd that there was no public disclosure made?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, again, I will state the fact that when the Department of Transportation and Works enters into contracts, we make sure we have the bonds in place. It is not our position, and we never have done it in the history of the department, to see who the guarantors are. As long as we have the legal bonding agency in place, that is what we have to make sure is there, and we did that in this case.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Mr. Speaker, fish harvesters in the Province, including my district, are still unable to get to the water because of heavy ice conditions. They are still suffering from a lack of income for weeks. The Fisheries Minister says he has placed a request to the federal government on obtaining ice compensation and has asked for a meeting with the federal minister.

I ask the minister: Will he tell us if he has received a response from either of these requests?

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**SOME HON. MEMBERS:** Hear, hear!

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

Mr. Speaker, this is an issue under federal jurisdiction. In 1999 and 2007 the federal government, through the EI fund, made a comparative investment in regard to ice compensation back then. That is what we have asked for over the past number of weeks.

We have been in touch with the two departments over the past number of weeks emphasizing it is of importance definitely in Green Bay, off the Northern Peninsula, and Labrador. It is very significant. We are advocating for them to put this in place now. It is needed.

I understand some families have two members who draw a livelihood from the fishing industry. It is very important and it is incumbent on the federal government to step in and step in now, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Mr. Speaker, the minister should provide a response if he has indeed received one. The state of the federal-provincial relationship on the fishery is hitting another all-time low. We cannot get any headway on the shrimp issue, or ice compensation. Even the Minister of Fisheries

admits he cannot get a meeting with the Minister of Fisheries.

I ask the minister: If you are unable to meet with the federal counterpart to negotiate an agreement, is your department prepared to step up and assist the hundreds of fishers impacted by heavy ice?

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**SOME HON. MEMBERS:** Hear, hear!

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

Mr. Speaker, our investment in the fishing industry as a government is unprecedented in terms of what we have done over the past number of years. The other day I had a chance to be on the *Celtic Explorer*, a \$13 million investment that we stepped up in terms of research and science that we needed in this Province and to drive our industry in groundfish, like cod and what we are seeing in the return on that.

We have stepped up when we needed to step up; but I say to the hon. member, this is federal jurisdiction. The federal government has a role to play here, and we are not letting them off the hook. They control the industry outside of us with processing. They have an EI fund which is certainly robust. There are lots of funds in it, and we are not going to let them off the hook. It is time for them to step in, and they need to step in right now, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Mount Pearl South.

**MR. LANE:** Mr. Speaker, the recent update from the Auditor General reads: Service Newfoundland and Labrador has not implemented recommendations because it is of the opinion that current processes are satisfactory. The report further states that Service Newfoundland and Labrador ignores the Auditor General because it feels current oversight methods are also satisfactory.

I ask the minister: Since your department has one of the worst compliance records in the report, how is it acceptable to ignore the Auditor General's recommendations?

**MR. SPEAKER:** The hon. the Minister of Service NL.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CRUMMELL:** Mr. Speaker, nothing is further from the truth. The Auditor General, we respect immensely. Anything that he offers to us in terms of what we can do differently, how we can do things differently in the future, Mr. Speaker, we accept the Auditor General's reports and we act on them appropriately.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Mount Pearl South.

**MR. LANE:** Mr. Speaker, the minister may accept the recommendations but he certainly does not act on them, and you wonder why we question the Humber Valley fiasco there.

Mr. Speaker, in 2010 the Auditor General recommended Service Newfoundland and Labrador should improve the timeliness of complaint resolution –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. LANE:** - however, the Auditor General's update reveals the department has not complied with this recommendation because it does not agree with a standard time frame for addressing complaints.

I ask the minister: Why isn't resolving complaints in a timely fashion a priority for your department?

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

The hon. the Minister of Service NL.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CRUMMELL:** Again, Mr. Speaker, I can only say that everything the Auditor General brings forward that discusses what is happening in our department we do what we think is the right thing and the best thing to do for the people of this Province. We respond to the Auditor General accordingly. We take the Auditor General's reports very seriously, his recommendations very seriously, and we act appropriately on them, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Torngat Mountains.

**MR. EDMUNDS:** Mr. Speaker, the high cost of shipping is reflected in the cost of goods sold on the Coast of Labrador. This government has said it appreciates the concerns of the people on the North Coast and to make sure an adequate flight service is in place.

I ask the minister: Will you reinstate Cartwright as a shipping port for the North and South Coast of Labrador, given it is already a port of call?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, long before I was in government but certainly involved in the communities in Labrador through Combined Councils Labrador, and as I am sure the hon. member would know, as well as the Member for Cartwright – L'Anse au Clair, there was an agreement between the federal government and the provincial government when the Trans-Labrador Highway was being built, that the port in Cartwright would be replaced by the road going up through.

We have almost 1,200 kilometres of Trans-Labrador Highway, over \$500 million invested in it since we have been here, and I think that is an adequate replacement. I work very closely with the Member for Torngat Mountains, so I am a little bit surprised to hear this request to make sure that the shipping going to the North

Coast especially is going to be an adequate position. I am a little bit taken back that he would even come out with this question.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Torngat Mountains.

**MR. EDMUNDS:** Mr. Speaker, this is not the first time I am coming out with this request.

Mr. Speaker, the roads in Southern Labrador are not much benefit seeing we do not have any roads up to the North Coast from Goose Bay. This is about serving the people in the region, Mr. Speaker, not the service providers.

I ask the minister: Why is he ignoring the people on the Coast of Labrador who, I might add, desperately want this service?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, first of all I will tell you, I am not ignoring the people on the Coast of Labrador. I have a very close relationship with the Nunatsiavut Government. I will continue to have that relationship with them, but I will remind the Member for Torngat Mountains that it was the previous Administration that made the deal to shut down the Cartwright ferry service.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

The hon. the Member for Torngat Mountains.

**MR. EDMUNDS:** Mr. Speaker, the minister said he was not involved before but he is now, and we look forward to some change.

Mr. Speaker, the RFP to replace the aging and inadequate *Northern Ranger* has been delayed again. First it was April 30, then it was May 30, and now it is extended to June 16.

I ask the minister: Why is the deadline for this RFP once again delayed, and what impact will this have on the 2016 deadline of a new vessel to replace the *Northern Ranger*?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, quite often when tenders come out, and this is the first time in the history of Newfoundland and Labrador that a tender has come out to the magnitude of the tender for the ferry service on the South Coast and North Coast of Labrador, because it is not just providing the ferry service; it is the full administration of the reservation system, the traffic, getting the freight and passengers back and forth. So it is a fairly complex tender.

On both extensions – and extensions are quite normal on tenders of this magnitude - in both cases there are contractors who are very interested in bidding on the service. When they give us a legitimate reason and we feel that it is adequate to give an extension, we do that for the best of the contract.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's North.

**MR. KIRBY:** Mr. Speaker, this is the final year for the implementation of the mathematics curriculum adopted by this government in 2008. Last December, we saw students fall further behind other Canadian students on the OECD's Programme for International Student Assessment.

I ask the minister: With our students underperforming with this questionable math program, will you now order a review of the curriculum that you chose for our students?

**MR. SPEAKER:** The hon. the Minister of Education.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KING:** Mr. Speaker, we do regular reviews of the curriculum in all areas across the K-12 system, not just mathematics; language arts, social studies, and all other areas, on occasion, the reviews engage professionals. It is not me as a minister or politicians from this side of the House sitting down and writing curriculum; it is professional educators who work in the system who review curriculum. A considerable amount of time and energy has gone into implementing the new mathematics curriculum, and I might add a considerable amount of money.

We recognize, Mr. Speaker, like any change, when you implement any change, there are going to be challenges and there are going to be people who have trouble adjusting. We are committed to resourcing the system. We are committed to providing the adequate professional development that teachers require and to supporting them in the classroom to ensure they are doing the best for our students.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's North.

**MR. KIRBY:** Mr. Speaker, the math currently taught in our schools is based on a curriculum standards document that was created back in 1988; that is twenty-six years ago now. That curriculum has largely abandoned the memorization of times tables and the math drills that were a staple for previous generations. This government has had a shockingly nonchalant attitude about the impact of this curriculum in the face of these declining international test scores.

I ask the minister: Will he do the right thing for our kids and order an immediate review of this mathematics experiment so that our students are better prepared for the future?

**MR. SPEAKER:** The hon. the Minister of Education.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KING:** Mr. Speaker, the only thing shocking in this line of questioning is how the member opposite continues with the support of

some of his colleagues to spread false, misleading, and inaccurate information in the general public in this House of Assembly. I can talk about the supports to autism. I can quote Hansard. The member stood on his feet over and over and over again talking about inaccurate information, only to be proven wrong by this government.

I can read you a quote from Open Line last Friday where he tells people on the public airwaves that we are going to triple class sizes in Kindergarten. I mean, it is disgraceful what the member gets on with. To stand in this House and offer a criticism at teachers to say that they are not teaching times tables is absolutely ridiculous, I say to the member.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's North, for a quick question.

**MR. KIRBY:** This curriculum is twenty-six years old.

**MR. SPEAKER:** A quick question, I remind the member, please.

**MR. KIRBY:** When will the minister order a review and correct this problem in the system?

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

The hon. the Minister of Education, for a quick response.

**MR. KING:** How ridiculous – a twenty-six year old curriculum. How ridiculous for the member opposite, who once taught at the university that trains our teachers, to say that this government or any government brought in a curriculum that is twenty-six years old. That would be shameful, Mr. Speaker. If you want to talk education, stand on your feet and ask questions about factual information that is based on correct information in the system.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Order, please!

The hon. the Leader of the Third Party.

**MS MICHAEL:** Thank you very much, Mr. Speaker.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MS MICHAEL:** This government has had a no-casino policy since 2004, which was reaffirmed again in 2010 by the Finance Minister at the time, the current Premier. A 2012 Department of Finance note states that a casino would attract few additional tourists, and questions whether any economic gains are worth social policy trade-offs that might occur.

So I ask the Minister of Finance: Why is she suddenly showing openness to the notion of casinos, when it clearly goes against a ten-year Cabinet policy?

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board.

**SOME HON. MEMBERS:** Hear, hear!

**MS JOHNSON:** Thank you, Mr. Speaker.

We still have a no policy around casinos, Mr. Speaker. That is the current policy and that is how we are guided today. As a government – and we talk all the time about how to be more efficient, more effective, how to be open, how to be open for business – I think it is only fair that if somebody does a proposal, that we take a look. Cabinet still has the authority to turn down a casino.

It is obvious where the member stands on this issue. What I did say is that if the decision is ever made to go down that route, we would certainly have public consultations; but it is good to have it on the record where she stands on this.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Third Party.

**MS MICHAEL:** Thank you, Mr. Speaker.

In my mind, a no-casino policy means a no-casino policy. It obviously does not mean that to the minister. A no-casino policy means you do not even want one. Obviously, they do not care.

Government has been promising a new VLT strategy for three years, even though VLTs are clearly still a problem for gambling addicts. Last March when I asked about the strategy, the minister said she would be attending a meeting of Atlantic Provinces in May where they would continue working on it.

So I ask the minister: Has this meeting occurred, and were VLTs discussed?

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board.

**SOME HON. MEMBERS:** Hear, hear!

**MS JOHNSON:** Mr. Speaker, what I would say is that we are open minded. We will always be open minded for a casino or any other business proposal that comes before us. We should only do that due diligence.

Yes, Mr. Speaker, the meeting did occur. Yes, VLTs did come up.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Third Party.

**MS MICHAEL:** Thank you, Mr. Speaker.

I ask the minister: When will we see a new VLT strategy?

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board.

**SOME HON. MEMBERS:** Hear, hear!

**MS JOHNSON:** Thank you, Mr. Speaker.

Mr. Speaker, it was very good to see our prevalence rates in this Province in the last study we did. Addiction gambling is 1.5 per cent in this Province, which was down from 2005. We did have great discussions with our counterparts.

A lot of people either do not gamble or do gamble in a responsible manner, Mr. Speaker, 92 per cent of the population. It is incumbent upon lawmakers to ensure that gambling is done in a responsible manner and then the social programs are in place for addictions and so on.

These discussions continued, they will continue, and I will continue to work with my colleague, the Minister of Health, as well.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Third Party.

**MS MICHAEL:** Thank you, Mr. Speaker.

I point out to the minister that gambling addiction prevalence study was completed five years ago.

When will we see another study done?

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board.

**SOME HON. MEMBERS:** Hear, hear!

**MS JOHNSON:** Thank you, Mr. Speaker.

Mr. Speaker, provinces across the country typically do them every five years or so. It was done five years ago. We are having a look and having discussions about where we go in the future with that.

It is important to note, Mr. Speaker, this is an issue we take very seriously. We reduced the number of VLTs by 26.9 per cent in this Province. It is a serious issue.

Gambling is going to take place. I think we all need to be very realistic about that. It is our role to ensure it is done in a responsible, safe manner where there are social programs for people who do have addictions, and that is a 1.5 per cent rate currently.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's East.



**MR. MURPHY:** Thank you, Mr. Speaker.

Groups in this Province are requesting that any review of fracking be independent and science based; however, there have been other independent environmental reviews done in the Province that included recommendations government has ignored.

Mr. Speaker, if government does an independent scientific review of fracking how can the people be assured that they would abide by those same recommendations?

**MR. SPEAKER:** The hon. the Minister of Natural Resources.

**SOME HON. MEMBERS:** Hear, hear!

**MR. DALLEY:** Mr. Speaker, I think I have been clear for the people of the Province, and particularly the people on the West Coast of the Province, where our government stands with hydraulic fracturing and the process that we are prepared to follow in terms of internal consideration and information along with not only geological work, but other jurisdictions as well. Beyond that, Mr. Speaker, that information would help us determine the next steps, which would include public consultations.

Mr. Speaker, the reference from the member opposite whether government would accept what the independent review would determine, I guess it is likewise, whether the anti-fracking groups would accept what the study would propose as well, because it is possible it could propose that we move ahead with it.

That is a balanced question, Mr. Speaker, and certainly something we will consider at the time.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's East.

**MR. MURPHY:** Thank you, Mr. Speaker.

Many people are concerned about the environment on the West Coast of the Province if we do allow fracking to occur. The Shoal Point drilling site is listed on the Province's contaminated sites registry with Environment

and Conservation itself asking for further checks as a result of possible ecological impacts; quote, unquote.

I ask the minister: Has this work been done?

**MR. SPEAKER:** The hon. the Minister of Natural Resources.

**SOME HON. MEMBERS:** Hear, hear!

**MR. DALLEY:** Mr. Speaker, I would have to check and see if the specific work has been done. I think what is important here, what the member is referencing is that any time we are going to engage, whether it is onshore or offshore drilling, or particularly any time there is a concern for the environment, and the health and safety of people, this government will have its priorities right to ensure we protect the environment and the health and safety of people first and foremost; go through a due-diligence process where protocols are in place, where we respect the legislation, Mr. Speaker, and we ensure the environmental assessments play a key role as we advance and develop the economy in this Province.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's East for a quick question without preamble.

**MR. MURPHY:** Mr. Speaker, the Muskrat Falls recommendations, they did not follow them. What makes them so sure that they will follow more?

**MR. SPEAKER:** Order, please!

I ask the member to get to his question.

**MR. MURPHY:** Mr. Speaker, I just asked the minister about the Muskrat Falls recommendations. They did not follow all the recommendations in that report. What makes them so sure they will follow —?

**MR. SPEAKER:** Order, please!

The hon. the Minister of Natural Resources for a quick response.

**SOME HON. MEMBERS:** Hear, hear!

**MR. DALLEY:** I wish the NDP would support economic development in this Province, Mr. Speaker, simply put.

All the recommendations, Mr. Speaker, everything to do with Muskrat Falls had to satisfy an environmental assessment, both provincially and federally, and it met those requirements. We are moving forward with Muskrat Falls in the best interest of the people of the Province. I wish the NDP would get onside.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The time for Question Period has expired.

**MR. A. PARSONS:** On a point of order, Mr. Speaker.

**MR. SPEAKER:** The hon. the Opposition House Leader rising on a point of order.

**MR. A. PARSONS:** During Question Period, the Government House Leader, in response to questions from the Member for St. John's North said he had made false and misleading statements inside the House, which is clearly unparliamentarily. I would ask that the Government House Leader apologize and retract the statement.

**MR. SPEAKER:** The hon. the Government House Leader.

I direct you –

**MR. KING:** I retract the statement.

**MR. SPEAKER:** Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

### Notices of Motion

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

I give notice, under Standing Order 11, that I shall move that the House not adjourn at 5:30 p.m. on Tuesday, May 27, 2014.

I further give notice, under Standing Order 11, that I shall move that the House not adjourn at 10:00 p.m. Tuesday, May 27, 2014.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

The hon. the Member for St. John's South.

**MR. OSBORNE:** Thank you, Mr. Speaker.

I give notice of a private member's resolution for Wednesday, seconded by the Member for Bay of Islands.

WHEREAS Newfoundland and Labrador has the highest median age in Canada; and

WHEREAS one in six people in our Province today are seniors, and by 2025 one in four people in our Province will be seniors; and

WHEREAS access to safe, accessible, affordable housing is one of the most significant issues facing our seniors.

THEREFORE BE IT RESOLVED that the House of Assembly urge government to develop a comprehensive housing strategy for seniors.

**MR. SPEAKER:** The hon. the Opposition House Leader.

**MR. A. PARSONS:** Mr. Speaker, pursuant to Standing Order 63(3) the PMR just entered by the Member for St. John's South is the one to be debated on Wednesday.

Thank you.

**MR. SPEAKER:** Answers to Questions for which Notice has been Given.

Petitions.

### Petitions

**MR. SPEAKER:** The hon. the Member for St. John's North.

**MR. KIRBY:** Thank you, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS current government regulations deny busing services to students who live closer than 1.6 kilometres to school; and

WHEREAS parents have expressed concern that children living within 1.6 kilometres of school face dangers in walking to school such as congested streets and busy intersections, especially in winter weather conditions; and

WHEREAS the \$75,000 review of the school transportation system completed by Deloitte recommended that the Department of Education consider reducing the 1.6 kilometre eligibility zone for Kindergarten and elementary students; and

WHEREAS the \$75,000 Deloitte report also noted that only 10 per cent of those surveyed for the school transportation system review agree that the current 1.6 kilometre policy is reasonable for students and families; and

WHEREAS parents are continuing to demand more flexible policies to meet the current needs of school children;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to change the outdated 1.6 kilometre school busing eligibility policy in order to ensure safe travel to school for primary and elementary school children in the Province.

As in duty bound your petitioners will ever pray.

Mr. Speaker, today this petition, people have signed it from Carbonear, from Victoria, from Salmon Cove and Spaniard's Bay. We have seen this petition come in this House of Assembly time and time again. I am sure members opposite are tired of hearing us repeating ourselves over and over again.

The Member for Mount Pearl South was on Open Line again last week and raised this very issue again. He is hearing from his constituents. I know there are members opposite who are hearing from their constituents. I know that out in Paradise there are children who have to go across up to five lanes of traffic – elementary school students – to get to school and in inclement weather, in dirty weather, in freezing rain and snow in the winter here.

Now that the snow and all the winter weather is gone away, we are not going to give up on this, Mr. Speaker. We need this \$75,000 report implemented. We want the recommendations of that report implemented. That was \$75,000 of taxpayers' hard-earned dollars spent on this report.

People keep sending these petitions in. People keep contacting us. People keep saying they want their small children, the Kindergarten, the elementary, primary school kids to have safe transportation to school. They deserve that, Mr. Speaker. On the Northeast Avalon, with all the growth we have seen, we have more traffic –

**MR. SPEAKER:** Order, please!

**MR. KIRBY:** Thank you, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for Cartwright – L'Anse au Clair.

**MS DEMPSTER:** Thank you, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned humbly sheweth:

WHEREAS the Strait of Belle Isle is a very important transportation link between Labrador and the Island of Newfoundland; and

WHEREAS both commercial and residential traffic is continuously increasing because of the opening of the Trans-Labrador Highway and increased development in Labrador; and

WHEREAS the existing ferry service can no longer effectively handle the traffic; and

WHEREAS there have been many interruptions in the ferry service, especially during the 2014 winter season;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to complete a comprehensive feasibility study for a fixed link across the Strait of Belle Isle that would include a geological assessment and a full cost analysis.

Mr. Speaker, I have been on my feet a number of times petitioning for a feasibility study on a fixed link. If ever there was a winter that the need was clearly demonstrated for a fixed link, it was this one. We have been fortunate over the last number of years that the ferry has run with minimal disruptions. This year they say we have had the most ice we have had in three decades. There is no guarantee, Mr. Speaker, that it will not continue into the next number of years.

While we sit here today, Mr. Speaker, I can tell you that many, many lives are disrupted. We are not talking about a ferry service to one community. We are talking about a ferry that services the whole of Labrador, the entire Big Land. Seniors spent seventeen-and-a-half hours this weekend on a boat that is certainly ill-equipped for that, when she was put on to do a ninety-minute run, only 3:00 o'clock in the morning to end up back where you started out. Seniors who want to fly home, but the cost is \$900 one way for a couple; that is their monthly income.

Then we have people who waited eight, nine months for a specialist appointment, in power wheelchairs; and where are they left? I guarantee it, Mr. Speaker, whatever we are saving right now by not doing this study to look and see what the figures are, we are going to be spending it in other departments, and Health is just one example. We are putting a billion dollar subsea cable across the Strait of Belle Isle. It is very, very sad that the vision and the planning was not there on the part of this government to have that running through a tunnel and so much of this problem would be alleviated, Mr. Speaker.

I will continue to be on my feet every chance I get for the people, not only of Cartwright –

L'Anse au Clair but for the people of Labrador. We had a pre-feasibility study that was done eight years ago and that showed that it would be over a billion dollars; we know of many people who have done studies since then and it has shown to be about \$500 million. So what is it, Mr. Speaker, it is time for somebody to petition – we need the study to see what it is and we need to act on this. We need to start now.

Everywhere else in the world they are building tunnels and we are still building ferries. There is something wrong with that, Mr. Speaker.

**MR. SPEAKER:** Order, please!

**MS DEMPSTER:** Thank you.

**MR. SPEAKER:** The hon. the Member for St. John's East.

**MR. MURPHY:** Thank you very much, Mr. Speaker.

A petition to the House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled:

WHEREAS Tordon 101 contains the chemicals 2,4-D and Picloram; and

WHEREAS the chemical Picloram is a known cancer-causing carcinogen; and

WHEREAS the provincial government has banned the cosmetic use of the pesticide 2,4-D; and

WHEREAS safer alternatives are available to the provincial government for brush clearance such as manual labour, alternative competitive seeding methods, and/or the mechanical removal of brush; and

WHEREAS the provincial government is responsible for ensuring the safety and well-being of its citizens;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to cease the use of chemicals covered under its own cosmetic pesticide ban and begin using safer

methods of brush clearance that will not place its citizens in harm's way.

Mr. Speaker, this is a petition signed by residents in St. John's, CBS, Avondale and, of course, out in Conception Bay centre, I guess, you could say. These people are directly concerned with the use of chemicals in our world today. It seems like every day we are hearing more about the dangers of chemicals in our environment, and it is no different here in Newfoundland and Labrador with the pristine areas that we have.

We also know that Newfoundland and Labrador is developing and, of course, with development comes roads and the needs for power. We know where government stands right now on the use of these harmful chemicals. We know that, for example, in some cases after brush clearing, these chemicals are put down to keep the plants and everything down. We also know that government's proposal right now – Nalcor's proposal is to be using some of these chemicals directly on 1,100 kilometres of the route for the power cables to come into Soldiers Pond from Labrador. We know that we are going to be having issues as these chemicals build up in the environment.

We know that they do their job and they do their job well; but, unfortunately with chemicals, come side effects such as cancer. We know that these chemicals also kill flora and fauna. We know as well that they also build up in the environment and kill small crustaceans, for example, like shrimp.

We know that we are doing damage to our environment. We also know, Mr. Speaker, that there is a better way of doing things, in which case we know that we can use competitive seeding methods; for example, we can be planting lupins where there is ash on the side of the road.

I know some horticulturalists will tell you that lupins will outgrow ash and actually knock ash out because they suck up nitrogen out of the soil. We will not have that problem of roadside brush clearing in the future. There are challenges here that can be met and there are better ways of doing things.

We also know, Mr. Speaker, that the time for using chemicals is gone. We know that these are old-fashioned methods. We know that government is putting in initiatives, for example, for farmers to be growing organically; that is without the use of chemicals.

Mr. Speaker, in summing up I will say this, we can get away from chemicals. We know that there are better methods.

**MR. SPEAKER:** Order, please!

The hon. the Member for St. John's Centre.

**MS ROGERS:** Thank you, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents humbly sheweth:

WHEREAS the provincial government recently announced a new framework for staffed residential care which included awarding contracts for three group homes in the Province to the private sector; and

WHEREAS the Bay St. George Youth Assessment Centre in Stephenville is one of the group homes affected by this decision by government; and

WHEREAS as a result, forty-five public sector workers lost their jobs in the Province, including twelve in Stephenville alone, some with over twenty years of experience and expertise in the field; and

WHEREAS the Bay St. George Youth Assessment Centre has been offering high-quality care to children with complex needs in the community for many years; and

WHEREAS the transition of the children in the care at the home will, in some cases, split these children from their friends and group home counsellors – relationships which have taken years to develop – this transition has the potential to cause undue stress and harm to the children;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the

House of Assembly to urge government to reverse its decision to privatize the Bay St. George Youth Assessment Centre in Stephenville.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, this is a package of petitions. In this package alone there are at least 700 signatures, probably more, just from that area of Stephenville, Bay St. George in the Port au Port Peninsula. The people of the community are really concerned. They are concerned that forty-five public sector jobs have been cut. These are well-paying jobs. These are jobs that have benefits that benefit not only the workers, but also their families. It also benefits their communities, again, because these are well-paying jobs; and well-paying jobs they should be, because they are people with expertise in caring for youth.

These youth are not simply youth who are homeless or youth who are having maybe problems with their parents; these are youth who have experienced significant trauma, and they are also youth with very complex needs. Some of them very complex mental health needs, some of the children have addictions, and some of them have fetal alcohol syndrome disorder, or spectrum. They are children who have to be cared for by people with a great amount of expertise, because they are not simply being warehoused. The purpose of them to be in Level IV residential care – which is not foster care, it is not a type of foster care, and it is not sort of like foster care as the Minister of Child, Youth and Family Services has tried to imply, but these are kids who really need expert care.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Thank you, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS the current road conditions of Route 437 is deplorable; and

WHEREAS Route 437 to Ship Cove and Cape Onion was first paved in 1990-1991 and is now riddled with potholes, cracks, bumps and erosion, similarly the road to Raleigh is in poor condition; and

WHEREAS business operations will suffer in these communities that includes Pistolet Bay Provincial Park, Burnt Cape Ecological Reserve, Tickle Inn, Raleigh Historical Society Fishing Village, carving shop, boat tour, restaurant, cottages, convenience, gas station, walking trails, museum, numerous fishing enterprises, among other natural attractions; and

WHEREAS it is the government's obligation to provide basic infrastructure to all Newfoundland and Labradorians; and

WHEREAS an improved paved road would enhance local business, fishing operations and tourism, which is vital to the health of the communities affected.

We, the undersigned, petition the House of Assembly to urge the government to allocate funds to resurface Route 437.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, this area may have a very small population when we talk about Raleigh, Ship Cove and Cape Onion, but on the way, when we look at Route 436, the amount of traffic that actually goes through these areas, when we look at Route 436 to L'Anse aux Meadows, a world UNESCO site, 30,000 visitors come to this area. There is a section of that road as well that needs to be looked at.

We are seeing a lot of spinoff that go into the Raleigh and Ship Cove areas. If we look at Burnt Cape, for example, that ecological reserve has some of the rarest plants, some that are only found on the Northern Peninsula. Then we have a provincial park there that is expanding tourism. We have cultural and experiential and adventure tourism with the Raleigh Historical Society teaching people the importance of what

it is like to live like a fisherperson, and the past, and how important that is to our culture.

We have a small, independent business community. It is imperative we look at making the investments that are needed so that these people can continue to earn a living and build strong, rural communities. That is exactly what is needed here. If we talk about the amount of commuters from Raleigh to St. Anthony, the service area, that area is not even serviced by cellular coverage – it could be.

There is a proposal that has been put forward to look at that, so we can make our roadways safer. Right now, with the current condition of the road and the lack of cellular coverage, it certainly makes it very difficult to grow the economy, and that is what we really need to do. We need to grow the economy in Newfoundland and Labrador, especially in our rural areas, so that we do not see deficit Budgets as it is happening right now.

**MR. SPEAKER:** Order please!

**MR. MITCHELMORE:** So these are types of things that need to be done. I put this forward, Mr. Speaker, on behalf of petitioners presented from Cape Onion, St. John's, Corner Brook, Dildo...

**MR. SPEAKER:** Order, please!

The hon. the Member for Mount Pearl South.

**MR. LANE:** Thank you, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents humbly sheweth:

WHEREAS there are extreme overcrowding issues in St. Peter's Elementary and Mount Pearl Senior High, a direct result of poor planning by the Department of Education; and

WHEREAS the solution imposed by the English School Board to deal with this now crisis situation will have a devastating impact on the many students, families and teachers in Mount Pearl Senior High, Mount Pearl Intermediate, St.

Peter's Elementary, and Newtown Elementary; and

WHEREAS there are other less disruptive solutions which can be introduced to alleviate this overcrowding issue, including capital investment as a preferred option, as well as catchment area realignment; and

WHEREAS the English School Board was not provided with the financial flexibility by the Minister of Education to explore other more suitable options; and

WHEREAS the government has intervened in board decisions in the past such as in 2005 in Bishop's Falls, reversing the closure of Leo Burke Academy.

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge to the Government of Newfoundland and Labrador to intervene in this matter, commit appropriate resources to the English School Board and instruct them to develop more suitable options.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I have stood on my feet now several times presenting this petition, first to the former Minister of Education and he did not see fit to intervene in what I believe was a very poor decision. Subsequent to that, we have a new minister. I have likewise presented to him and as well, asked questions in Question Period. He has indicated that he is not prepared to move on the stance that the decision will stand.

This is obviously very disappointing news for sure for the students, for the families in the Mount Pearl school system who are going to be impacted quite negatively. Granted, not everybody will be negatively impacted but there will be many, many students who will be.

I am certainly disappointed by the fact that this decision will not be revisited, even though we have a precedent in the past where it has been; but, that said, I committed to a Grade 4 student of Newton Elementary, who presented me with a whole load of petitions which he gathered in his neighbourhood on this important issue, my

commitment to him was that I would continue to present these petitions as long as the House was open. I am certainly doing so on his behalf and on behalf of the many other families who are going to be negatively impacted.

It is a shame that the government is not willing to change its mind on this, but certainly I will continue to work with the students, the families, and with the minister on any changes that do occur to make sure it is (inaudible) when possible.

Thank you.

**MR. SPEAKER:** Order, please!

The member's time has expired.

The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

I move, seconded by the Member for Port de Grave, as per Standing Order 32, we move to Orders of the Day.

**MR. SPEAKER:** It has been moved and seconded that this House now move to Orders of the Day.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Motion carried.

#### Orders of the Day

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

I move Motion 9, pursuant to Standing Order 11 that the House not adjourn at 5:30 p.m. today, Monday, May 26, 2014.

**MR. SPEAKER:** It has been moved and seconded that this House do not adjourn at 5:30 p.m. on Monday, May 26, 2014.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Motion carried.

The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

Once again I move Motion 10, pursuant to Standing Order 11 that the House not adjourn at 10:00 p.m. today, Monday, May 26, 2014.

**MR. SPEAKER:** It is moved and seconded that this House do not adjourn at 10:00 p.m. on Monday, May 26, 2014.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Motion carried.

The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

This time I would like to move to Motion 7. I move, seconded by the Minister of Finance and President of Treasury Board, to ask leave to introduce a bill entitled, An Act To Amend The Income Tax Act, 2000 No. 2., Bill 20, and that the said bill be now read the first time.

**MR. SPEAKER:** It is moved and seconded that the hon. the Minister of Finance shall have leave to introduce a bill, An Act To Amend The Income Tax Act, 2000 No. 2., Bill 20, and that the said bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 20 and that the said bill be now read a first time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.



Motion carried.

Motion, the hon. the Minister of Finance to introduce a bill, “An Act To Amend The Income Tax Act, 2000 No. 2.”, carried. (Bill 20)

**CLERK:** A bill, An Act To Amend The Income Tax Act, 2000 No. 2. (Bill 20)

**MR. SPEAKER:** This bill is now read a first time.

When shall it be read a second time?

**MR. KING:** Tomorrow.

**MR. SPEAKER:** On tomorrow.

On motion, Bill 20 read a first time, ordered read a second time on tomorrow.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

At this time I would like to call from the Order Paper, Order 6, second reading of a bill, An Act To Amend Various Acts Of The Province Respecting The Publication Of A Summary Of A Decision Or Order Of An Adjudication Tribunal. (Bill 8)

**MR. SPEAKER:** The hon. the Minister of Health and Community Services.

**SOME HON. MEMBERS:** Hear, hear!

**MR. DAVIS:** Thank you, Mr. Speaker.

Mr. Speaker, I move, seconded by the Minister of Municipal and Intergovernmental Affairs, that Bill 8, An Act To Amend Various Acts Of The Province Respecting The Publication Of A Summary Of A Decision Or Order Of An Adjudication Tribunal, be read a second time.

**MR. SPEAKER:** It is moved and seconded that Bill 8, An Act To Amend Various Acts Of The Province Respecting The Publication Of A Summary Of A Decision Or Order Of An Adjudication Tribunal, be now read a second time.

Motion, second reading of a bill, “An Act To Amend Various Acts Of The Province Respecting The Publication Of A Summary Of A Decision Or Order Of An Adjudication Tribunal”. (Bill 8)

**MR. SPEAKER:** The hon. the Minister of Health and Community Services.

**MR. DAVIS:** Thank you, Mr. Speaker.

It is a bill with a long title. I will take some time now to explain the meaning of this title and just to review it again for members of the House and people tuned into this. It is An Act To Amend Various Acts – so it is an act that is going to have implications for a number of acts – Of The Province Respecting The Publication Of A Summary Of A Decision Or Order Of An Adjudication Tribunal.

Mr. Speaker, this bill consists of two sets of amendments. The first set of amendments amends four health profession governing statutes to remove the discretion of a court to order that a summary of a decision or order of an adjudication tribunal not be published. Those four statutes that contain this amendment are the Chiropractors Act 2009, the Health Professions Act, the Medical Act, 2011, and the Social Workers Act.

The second set of amendments amends all seventeen health profession governing statutes to provide a court with the discretion to order that certain information not be included in the published summary of a decision or order of an adjudication tribunal. These decisions and orders are made as part of a disciplinary process.

Mr. Speaker, health profession governing bodies are responsible for the regulation of health professions in this Province. They are responsible for establishing standards of practice and standards of conduct of their members. They are also responsible for registering individuals who meet the health professions educational training and certification requirements. Only those individuals who meet the registration requirements are permitted to practice as a regulated health professional.

These regulatory bodies do good work every day in fulfilling their roles for the people of this

Province who avail of the services of a health care professional. One of the most important duties of a health profession regulatory body in its protection of the public is to administer the disciplinary process set out in its governing statute.

Mr. Speaker, each health profession governing statute contains a detailed disciplinary process that is generally consistent across all health professionals. Each step of the disciplinary process is set out in legislation. The process begins with an allegation made that a health professional has engaged in conduct deserving of sanction. The registrar, with the consent of the complainant and the health professional, may resolve the complaint; however, if it is not resolved, the complaint is referred to the complaints authorization committee to conduct an investigation.

Where there are reasonable grounds following the investigation to believe that the health professional has engaged in conduct deserving of sanction, the complaint may be referred to an adjudication tribunal for hearing. All of the health profession governing statutes require that the hearing be held in public, unless the adjudication tribunal decides to exclude the public. In circumstances where the consequences of possible disclosure of personal matters of a party to the complaint, or to a witness, outweigh the preference to hold a hearing in public, the adjudication tribunal may decide to exclude the public from the hearing or part of the hearing.

Where a health professional has been found guilty of conduct deserving of sanction, the adjudication tribunal has the ability to make the following types of orders: It may order that the health professional be suspended for a fixed period of time, and that he or she meet certain conditions imposed by the adjudication tribunal. It may order that the health professional surrender his or her certificate and that his or her name be stricken from the register. It may order that the health professional pay a fine. An adjudication tribunal may also require a health professional to obtain medical treatment, obtain counselling including substance abuse counselling or treatment, engage in a continuum of education, and permit periodic inspection of records related to his or her practice.

These orders play an important role in the protection of the public. Once the adjudication tribunal has reached a decision the following must occur: The decision is filed with the registrar of the health profession regulatory body. A copy of the decision is provided to the complainant, the health professional, and the health professional's employer. In some cases, a copy must also be provided to the Minister of Health and Community Services. This quite often happens in the cases of nurses and physicians in the Province.

The registrar maintains a copy of the decision for a minimum period of time, and most statutes require the registrar to maintain the decision for five years but some statutes require that the decision be maintained for ten years. The registrar shall, upon request, permit a person to view the disciplinary records of the health professional being maintained by the registrar. In some of the health profession governing statutes, the registrar may also give notice to the adjudication tribunal's decision and information respecting the decision to other persons to whom the council or board of regulatory body direct.

Where the decision of the adjudication tribunal imposes a sanction on the health professional's practice, for example, where the health professional is suspended from practicing or where restrictions or conditions are placed on his or her practice, the registrar must publish a summary of the decision in a newspaper of general circulation in or nearest to the community in which the health professional practices.

Where the publication is required, each statute sets out the specific information that shall be published. This information is as follows: the name of the health professional and the address of his or her practice; the date, location and a brief description of the conduct of the health professional that was found to be deserving of sanction; the name of the complainant, unless the complainant has requested that his or her name be withheld; the sanctions imposed and other information that the adjudication tribunal has specified in the decision to be published.

The health profession governing statutes are not consistent in their approach to publication of decisions. The amendments set out in this bill

will require the publication of decisions of adjudication tribunals in all cases. There will, however, be the ability for an individual to make an application to the court to seek that certain information be withheld from publication. It will be up to the court to weigh the risks and benefits of publishing a particular piece of information required by the statute.

Mr. Speaker, officials in my department have closely examined the mandatory publication provisions contained in all of the health professions governing statutes. The amendments set out in the bill create a consistent approach across all of the health profession governing statutes to require that summaries of decisions or orders be published where a health professional is suspended or his or her right to practice has been restricted. The public has a right to be made aware of the suspensions and restrictions, particularly as individuals make health care provider choices.

Mr. Speaker, while we see mandatory publication as the appropriate approach, we do acknowledge that there may be extenuating circumstances where the publication of all of the information required by the statute may cause undo harm to the complainant, the health professional, a witness to the adjudication hearing, or another person.

The bill will thus amend four statutes to make a publication of a summary of a decision or order of an adjudication tribunal mandatory by removing the discretion of the court to order that the summary not be published. The bill will also amend all seventeen health profession statutes to include the ability of a health professional or other party affected by the publication of a decision of an adjudication tribunal to apply to the court for an order that certain pieces of information be withheld from the publication of the summary. This change will balance the public's right to know with the health professional or other party's right in not being unduly harmed by the publication. We believe that the court is well positioned to determine whether publication of all or some of the information is appropriate in the circumstances.

Mr. Speaker, the effect of this bill will be that the publication of summaries of decisions or orders of the adjudication tribunals must occur

in all cases; however, the specific information to be published may be limited by the courts in extenuating circumstances as I have previously described. These amendments will support the role of health professions regulatory bodies to protect the public interest in ensuring that competent health professionals are providing quality health care to the people Newfoundland and Labrador.

Mr. Speaker, I thank you for the time today to introduce this bill in second reading, and I ask all hon. members of the House to join me in supporting this bill.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER (Verge):** The hon. the Member for Burgeo – La Poile.

**MR. A. PARSONS:** Thank you, Mr. Speaker.

I am happy to stand today to speak to Bill 8, An Act to Amend Various Acts of the Province Respecting the Publication of A Summary of A Decision or Order of an Adjudication Tribunal. Certainly, this is a very long-worded title but it is an important piece of legislation, as are any that come before us here in the House of Assembly.

Being the Health critic, I had the opportunity to review this piece of legislation and to understand the purpose of it and what it stands for. When you look at the act itself, it is quite thick but it is because there are so many different pieces of legislation that are being amended and dealing with so many health professionals in this Province.

For the sake of making sure that they are all recognized here, the different pieces of legislation are: the Chiropractors Act, Dental Act, Denturists Act, Dieticians Act, Dispensing Opticians Act, Health Professions Act, Hearing Aid Practitioners Act, Licensed Practical Nurses Act, Massage Therapy Act, Medical Act, Occupational Therapists Act, Optometry Act, Pharmacy Act, Physiotherapy Act, Psychologists Act, Registered Nurses Act, and Social Workers Act.

Basically what we have is twofold here. There are four acts that already have the purpose of this legislation there. Those four acts will be amended. What they are going to do then is add thirteen new ones, take these seventeen and have them so that the language stays the same; the purpose being to govern health care professionals, especially when it comes to the publication of decisions against them.

The first thing to understand when it comes to these professions – and there are a number of other professions in this Province – is that when you are self-regulating you have a body, usually called a college or you have a registrar who administers the body. We have talked in this House before about the importance of keeping high standards when it comes to self-regulation of anybody.

I happen to be a member of the Law Society of Newfoundland and Labrador. It is the same thing; it is a self-regulating body where you govern yourself. If you do not maintain the standards, then at some point you will not be self-regulating and, therefore, you do not have the control. That is why I do believe that all professionals in this Province take every attempt they can to make sure that the high standards are there, the high standards are met because what affects one affects all.

In many ways you could say that us in the House as Members of the House of Assembly are the same way, what affects one really affects us all and, therefore, you want everybody to have high standards that they must adhere to. Most importantly, if something does happen we want there to be public notice so that everybody out there in the public who may avail of these services or avail of these individuals is aware of that.

It is fairly simple but I want to go through sort of a background. I am going to deal specifically with health care professionals. For the sake of ease here, I am just going to say health care professional when I am talking about all the different professions that are referenced here. Anybody out there can make a complaint against a health care professional, anybody whatsoever. Those complaints are usually referred to as allegations.

I think that is the first part we must remember, is how important this is, because we live in a very small Province. We live in very, relatively small communities, therefore, any allegation to me is quite serious because whether it is proven or not it affects the credibility and the reputation of the person it is made against, and in many ways, the person who made it. So every allegation is, and should be, treated very seriously.

Now many of these – and they are all taken in, they are all handled, every single one. Some, though, go a certain way, some do not. Many complainants are dealt with internally. For example, you may have a doctor, a health care professional who is providing a service to a patient, the patient does not like something about that service, that patient makes a complaint. In a lot of cases it can be of a very minor nature. In some cases you can resolve these allegations or complaints with a simple apology.

If somebody feels you did not give them respect or you may have been rude, they complain about it. You say, I am sorry about that. In a lot of cases that can be the end of it and it is done and over with. I would state that the vast majority of complaints are of that nature.

Now sometimes you have cases where there are very serious complaints, especially those dealing with malpractice that are made. These go through a much more formal process. Most colleges have what is called a Complaints Authorization Committee. It is usually made up of the registrar, sometimes there is a public representative, and it has their peers because it is peer based. We are all held to these standards and we want to make sure all of our peers are living up to that code.

We have a Complaints Authorization Committee that is responsible for hearing this, and there is a process put in place to handle this the entire way. In many cases, for example, I have been told – again, I only have personal knowledge of the Law Society. We all learn right from the start how these things are handled and how the Law Society is set up, the different committees, but most of them are the same way.

You may have two practitioners and a member of the public. It goes through the process, and I

do not need to belabour the process. It is investigated, evidence is given, maybe statements, maybe testimony, whatever it is, but at the end of the day there is an investigation. What we are dealing with is the case where there is a finding of say, wrongdoing or something that is deserving of sanction.

I cannot get past the fact that every allegation – we live in a society where it is innocent until proven guilty, but we all know that in many cases once an allegation is made it is very serious and it can affect that person’s livelihood, their reputation, their standing in the community. That is why I know how serious these are, especially when you are discussing individuals with a health care background. These are people who we rely on, so it is treated serious.

You have the hearing. If you are found not guilty, it is dismissed, it is done. It is over with. If you are found guilty of conduct deserving sanction or it may be some other formal language, there are a number of actions that can take place. You can be suspended, there are conditions can be put on your employment, there are fines. In some cases you may have to give up your licence to practice, you may require counselling, a number of measures all of which are very serious that can be taken.

Here is where I get to the crux of the matter. If a professional is found guilty, these acts require that the registrar of the college must “publish a summary of a decision or order of an adjudication tribunal in a newspaper of general circulation in or nearest to the community in which the respondent practises within 14 days of the expiry of the appeal period...” unless a court orders otherwise. That is the bold ink part here, unless a court orders otherwise.

We all know the purpose of this and the reason we would have this. If any professional is found guilty of conduct deserving sanction then the individuals in that community have a right to know, they have a right to see this. That is part of sanctioning yourself, of being self-regulating. That has to be done within a very reasonable period of time.

The published summary must include: the name of the respondent or the individual found guilty

of the conduct; their address of their practice; the date, location and a brief description of the conduct found to be deserving of sanction; the name of the complainant, unless the complainant themselves state that they do not wish for that to be public; the contents of the order in relation to the actions, so what were the penalties that were found; and any “other information specified for publication in the decision or order.”

In a lot of cases it is as they say, it is who, what, where, when, or why. Who is being sanctioned? Why are they being sanctioned? Where is it that they are practicing? What is the decision that was made? How are they being punished? In many cases you can have the other individual if they wish to be found. Obviously, in many cases they do not wish to. It takes a lot to come forward, and in many cases they want their information or their name withheld.

What is this bill doing? This bill is taking language out of four acts and putting the same language in seventeen through a number of simultaneous amendments to these various health professionals acts. We are making the language the same with regard to the publication of the summary information.

Four statutes, the Chiropractors Act, the Health Professions Act, the Medical Act, and the Social Workers Act already had sections that gave the Supreme Court of Newfoundland and Labrador the discretion to order that prescribed information not be included in the published summary. That is the part that they wanted removed here. There was four acts that said a judge, upon going to court, can say: No, you do not need to put that information out there. That is being removed. We are taking the language from those four, standardizing the language, and putting it back in these seventeen.

The courts had the discretion to order that certain information not be included. I guess what it did was recognize that sometimes there are circumstances that allow for, if the posting of the information were to happen, harm would come to certain people. So, individuals had a right to go to court and let a judge decide whether that should be there or not.

In our briefing with the officials of the department – and again, we all know that but for

these individuals in the department and the people that the legislation affects, many of us would have no idea that this was going on, or why it was going on or issues with the legislation. In many cases, the legislation is driven by the individuals that it affects. Sometimes it can be driven by the public; but, in many cases, with these acts it is the groups themselves that express concerns to the department, the conversations take place, and then the negotiation, I am sure. Then we figure out: Should we change the legislation; if we do, what is the result going to be?

The officials at the briefing have told us this is an attempt to find a balance between wanting information published and ensuring that information that could cause harm not be published. The statutes themselves when it comes to these professionals are all found to be good; that is not an issue. What we want is clear, concise, and across-the-board legislation that affects everybody in the same way.

To reiterate, we are changing the legislation and now people still have the ability to go to court and they can talk to a judge and the judge will figure out whether it should go there or not. We all know that going to a court is not an easy process, it is not a cheap process and it is not a fast process, but that is just the nature of how it is. The people who make this application are going to incur time and money. If they want this information not published, again they are going to be taking the responsibility of doing that.

I know I am going to get an opportunity to put this forward in Committee, but I think my experience in the legislative agenda suggests that if I put an issue forward in second reading, in many cases, the minister's staff have an opportunity to address that; and even by the time the minister stands to close the debate, he may have the answers to these questions, rather than waiting. Then, by Committee, I have an opportunity, if I do not like the answer or need further clarification, I can stand again.

I have noticed that in my short period of time here it seems like a constructive way to ask questions; you get the information back. Because at the end of the day here a lot of this legislation is not contentious, per se; it is not something that people notice day to day. It is

not something they are dealing with, but it is our job to ask these questions; because there is nothing worse than coming back here and amending an act that you just amended, when you could have put the question forward and had it done right the first time.

One of the things we do as an Opposition is, in many cases, we hear from individuals who are affected by pieces of legislation. It is not that they are affected in a bad way. In many cases, they are affected and they just want to know how it affects us.

So, the question that I do have for the minister and the department is: Has each of these seventeen groups – and maybe it is not seventeen groups; it maybe more than that because I know there is the Health Professions Group. Has any group that has been affected been consulted? Has every single one that has been affected consulted? I am not just going to say consulted; I am going to say consulted at least in a meaningful way in that we say: Look, this is what we are planning on doing.

Now, I have no doubt that a number of groups were consulted. My issue is: Has every group been consulted? Because there is nothing worse than an individual group, or person having legislation put forward that affects them not have an opportunity to address it or speak to it. In many cases, people do not pay attention, but I think that is our job, and my job, as the Health critic, is to put this forward. I am hoping that we will get the answer to that either in the conclusion of second reading, or during the Committee phase.

I am wondering – I have had concerns put forward to me by groups. They have taking the opportunity to contact me. I know that they have contacted the minister's staff. One of the things that I am hearing is: On a greater scale, we do not have a problem with Bill 8. Bill 8 on its face is productive, it makes sense, and we do not have an issue with it; however, what they are concerned with is the financial implication their group may have in responding to allegations pertaining to the publication of decisions.

So again, coming back to what I was saying. There was a piece of legislation we talked a couple of years ago where we said: There is

nothing wrong with the court; but if we force people to go to court all the time, it costs money. Not everybody has government lawyers to do this.

What I am saying is this group, in particular, and other groups have said to me: Look, I have no problem with the legislation, it makes sense; but if I have to go to court on behalf of our members on a regular basis – and I do not think it is going to be regular because I do not think there is a long history of the usage of this. Were they consulted and did they have an opportunity to discuss this? I think there is nothing better than a piece of legislation that when it is passed, there is nobody complaining about it because they said we had every opportunity to speak, be spoken to, ask questions, and have answers given.

There are groups out there that I do not believe were consulted prior to this bill coming forward. I still think there is time that if they have not, that the consultation should happen. I think that it would be a better way for this to happen.

I have no doubt that the minister, who is fairly new in his role – this legislation was drafted well before he got there. I am just putting this forward in that a lot of the department would have stayed probably the same. Did they go out and speak to these people, at least to talk to them? Not just speak so that you are checking off a box because sometimes there is too much of that goes on; but a case of speaking, hearing the concerns, trying to address them, and going from there.

I do put that forward. I am sure the minister will get back to me either at some point today, tomorrow, whenever we get an opportunity. I may have some more questions. I did have a note made here. The last question is: It is one thing to talk about the legislation, the last part is that this legislation has a significant effect on every member of that particular organization. Using my own example if there was a change to the Law Society Act that affects me, I would want to know. I would want to know what happened and how it affects me. Should I prepare for it? How do I prepare for it?

What I am wondering is after the passage of this legislation, will there be a notice provided to

each of these colleges to make sure they are fully aware of it, the discussion that happened, when this bill – we know that this bill is going to get passed. I plan on supporting the bill in principle; it is a sensible piece of legislation. Will these groups all get an opportunity to have their say and then after it happens, be notified so that they can notify their membership? That is quite simply the only way to do it. That is the best way to handle these things.

I think I have had ample opportunity to speak to this. I probably will stand up again in the Committee stage. I appreciate the opportunity to have the department speak to us about this bill, as I have on other bills. I appreciate the opportunity to maybe illustrate a bit about how these processes work, because they are a very serious process. When you have somebody who makes an allegation against you and it could affect your livelihood, then that is important. It is also important to the person who may have had wrongdoing upon them, having that opportunity to make a complaint, to make sure that the same thing does not happen to somebody else.

I appreciate the opportunity to speak to this bill, Mr. Speaker, and I look forward to the Committee stage.

Thank you.

**MR. SPEAKER:** The hon. the Member for Humber West.

**SOME HON. MEMBERS:** Hear, hear!

**MR. GRANTER:** Thank you, Mr. Speaker.

Indeed it is a pleasure this afternoon to stand up for a few minutes to speak to Bill 8, An Act to Amend Various Acts of the Province Respecting the Publication of a Summary of a Decision or Order of an Adjudication Tribunal.

The first set of amendments, as outlined by the minister, is to amend the four health professions governing statutes to remove the discretion of a court to order that a summary of a decision or order of an adjudication tribunal not be published. Those four statutes are: the Chiropractors Act, 2009; the Health Professions

Act; the Medical Act, 2011; and the Social Workers Act.

The second set of amendments amends all seventeen statutes to provide the court with discretion to order that certain information not be included in the published summary of a decision or order of an adjudication tribunal. As the hon. member from across the way just spoke, it brings those four and the remaining thirteen together under one, into one clear, concise act.

Those seventeen will include: the Chiropractors Act, 2009; Dental Act, 2008; the Denturists Act, 2005; the Dietitians Act; Dispensing Opticians Act, 2005; the Health Professions Act; Hearing Aid Practitioners Act; Licensed Practical Nurses Act, 2005; Massage Therapy Act, 2005; Medical Act, 2011; Occupational Therapists Act, 2005; Optometry Act, 2012; Pharmacy Act, 2012; Physiotherapy Act, 2006; Psychologists Act, 2005; Registered Nurses Act, 2008; and the Social Workers Act.

Mr. Speaker, if anyone had to take the act up and look, and my colleagues who are speaking to it and members of the Opposition and Third Party who will speak to it, they would look at the act and think the act is quite large in its depth, but it is not as complicated as it looks on paper. It is really repetitive in nature because it takes all of these seventeen statutes and brings them together under one. It is really a repeat as we go through the different statutes.

All the health professionals in Newfoundland fall under one of these statutes that I just listed in the seventeen, Mr. Speaker. I just want to take a moment to use an example directly from the act. I will use the Chiropractors Act, 2009, just to see the changes, what will be deleted and what will be added. Again, what I am about to speak to in the next minute or two is for the Chiropractors Act, 2009, but it is reflective of all the other sixteen statutes that I just listed off, Mr. Speaker.

It says, “Subsections 30(3) and (4) of the Chiropractors Act, 2009 are repealed and the following substituted: (3) The registrar shall publish a summary of a decision or order of an adjudication tribunal in a newspaper of general circulation in or nearest to the community in which the respondent practises within 14 days of

the expiry of the appeal period provided in section 36, where the decision or order (a) suspends the respondent; (b) allows or directs the respondent to surrender his or her licence; (c) restricts the respondent’s practice; (d) specifies conditions for the continuing practice of the respondent; or (e) requires that a summary of the decision or order be published”.

Under subsection (4) “Unless a court orders otherwise, the summary of the decision published under subsection (3) shall include (a) the name of the respondent and the address where he or she practises; (b) the date, location and a brief description of the conduct of the respondent that was found to be deserving of sanction;” – within each of these statutes – “(c) the name of the complainant, unless the complainant has requested that his or her name be withheld; (d) the contents of the order in relation to the actions referenced in paragraphs (3)(a) to (d); and (e) other information specified for publication in the decision or order.”

Mr. Speaker, if I had to speak to all of the seventeen statutes, basically it would be a cut and paste of the Chiropractors Act as it will show up now in the new statutes. It will be the same for the Dental Act, the Denturists Act, the Dieticians Act, et cetera, for all of the seventeen different statutes.

Mr. Speaker, protecting the health of Newfoundlanders and Labradorians in general is what we are all about. It is what the people of Newfoundland and Labrador want. It is what the Government of Newfoundland and Labrador want, and I know it is what the Opposition and the Third Party want. That is what the residents want.

This is just one act within the health care system, throughout the health care system that will bring continuity across all of the statutes, such that we have a way of knowing how we approach disciplinary actions, Mr. Speaker, if they so arise. We have enacted legislation that requires health professionals, and ensures they follow appropriate conduct and handle themselves in a manner that is consistent and protects the patient or client. We have absolutely wonderful and fabulous health care workers right through all the professions in Newfoundland and Labrador. That is something



we all know as Newfoundlanders and Labradorians. There have been cases in our past history in Newfoundland – there have not been many, but there have been cases in the past – whereby we have needed the acts to have to follow.

Mr. Speaker, as the hon. member across the way just spoke, he referenced that we always come up with situations whereby there are issues by which we need to make a decision on. We go back to the health care system or in some other system in the Province of Newfoundland and Labrador, a lot of these decisions are made and are dealt with on an internal basis.

There is a big difference, Mr. Speaker, in the health care system from a medical practitioner or professional not returning a phone call on time, or taking too long to fill out a form. Those kinds of complaints may occur, and I am sure they do occur – these kinds of complaints are dealt with on an internal basis and can be dealt with fairly quickly. When we get into a malpractice suit or getting into a health care provider not providing the appropriate care in a timely fashion, those are the kinds of decisions that will need really the power of the legislation and the power of the statutes in order to resolve. We see those from time to time and we have had histories of those in the health care profession and perhaps in other professions in the Province.

Mr. Speaker, health professionals could be suspended for a fixed period of time, and that he or she meets certain conditions imposed by the adjudication tribunal, may order a health professional to surrender his or her certificate and that his or her name be stricken from the register, or order a health professional to pay a fine amongst others. I believe the minister, when he spoke to this earlier this afternoon, listed off some of the other sanctions that can actually happen.

It is important to remember that these orders play an important role in the protection of the public. That is what I want to stress to the people who are listening at home this afternoon that what this legislation does or the amendments to this legislation are all about, Mr. Speaker – and the people of the Province need to know it is about protecting the health and care of the residents of Newfoundland and Labrador

who find themselves involved in the health care system in the Province from time to time.

Mr. Speaker, it is not the intention of the publication regulation through this act to act as an additional form of punishment for the individual; however, it is recognized that the unintended emotional trauma experienced for having the information made public may be too much for certain individuals and lead to health complications from stress, anxiety, and other potential mental health issues, not only for the health professional but also for the client or the patient. This government is moving forward with amendments to all respective seventeen statutes which I identified, and the minister identified as well, and the hon. Member for Burgeo – La Poile.

Moving forward with these amendments in the health profession governing statutes that require publications once an adjudication tribunal has found an individual deserving of a sanction, these amendments – and this is the crux of what the amendments to the act and the bill do. The crux of the bill is it will allow for health professionals or the complainant to appeal to an impartial court process to determine if some of the information pertaining to the sanction that was just brought down can be withheld from publication where the publication would be detrimental to the party's health, and that is detrimental to the health professional, or to the patient or to the client.

The intent of these amendments, Mr. Speaker, is to protect health professionals who feel that having this information published will be damaging to them emotionally and mentally, and will impact their health negatively. Likewise, complainants may find that having certain information published may identify them or affect them emotionally or mentally. Especially, Mr. Speaker, when a lot of our communities are small communities, and probably in some of our remote areas it is pretty easy to identify people; and, in the age of protecting one's identity, a part of this legislation, a part of this review, and a part of the amendments would be to protect the identity and protect the individuals and protect their rights under our laws.

We will always aim to have appropriate disclosure of information, especially concerning

health care in the Province; however, there may be instances where publishing all information may cause greater harm than the intended good. You would not want, when you implement a piece of legislation, the practice of the legislation itself at the end of the day to do more harm than good from the intent of what the legislation was about. We would not want a client or a patient to be harmed by a piece of legislation which was put in place to actually protect them. I believe this is what this legislation does, Mr. Speaker. It protects the patient and also protects the medical profession as well.

If a health care professional who appeals to the courts to have information withheld from publication can appropriately demonstrate and he or she can appropriately demonstrate that they will be negatively impacted to the point of emotional and mental trauma, then it will be up to the courts to make an impartial judgement in the case. That is where we go in this country – we go to the courts to make that impartial judgment upon these kinds of regulations that we have in our country and indeed in our Province. I think that is very important to remember, that at the end of the day, if need be, something needs to be stricken from what will be published, it will be the courts of our Province that would make that impartial judgment on the case.

Mr. Speaker, I know there are others who will stand this afternoon and speak to Bill 8, this act to amend those regulations. I believe that they are important changes. There is some housekeeping that is taking place there and bringing them altogether jointly, bringing them altogether such that they are uniform across all seventeen statutes.

I think it is a good piece of legislation as the member from across the way for Burgeo – La Poile stood in his place a few moments ago and also agreed to the legislation. I would ask for the support of the members of this House.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Order, please!

The hon. the Member for Signal Hill – Quidi Vidi.

**MS MICHAEL:** Thank you very much, Mr. Speaker.

I am glad to be able to stand today and speak to Bill 8, the Publication of Adjudication Tribunal Decisions Amendment Act. It is a long name and if you do not know what it is related to, you really would know what that title meant.

We have had quite a bit of explanation going on in the House here already with regard to this bill. In actual fact, it is a bill that deals with people in the public who have complaints against various medical professions. I think that it is the various professions actually.

We notice that there are seventeen statutes – seventeen different acts regarding complaints and discipline, and sixteen of them are for stand-alone professions. The bill names some of those professions – it names them all actually. You have the Chiropractors Act, the Dental Act, Denturists Act, Dieticians Act, Dispensing Opticians Act; it goes through a whole list of professions that are related to health care in the Province.

Then sixteen of them are for stand-alone professions and the seventeenth, which is the Health Professions Act, which is a fairly new act actually, covers seven professions. In total, this bill is relating to twenty-three different professions and how they are covered in their various professional acts.

It is really good. It should be good for the people of the Province to know that there is legislation that actually allows them to make a complaint. If they, at any time, have an experience with somebody in one of the health professions that is covered by all of these legislations that they are able to make a complaint, that there is a process that carefully looks at their complaint to determine whether or not the complaint is a valid complaint and to determine the level of seriousness of the complaint, and a process that then allows the complaint to go as far as it needs to go in being resolved.

It is important to note that the legislation, both the acts that are being amended along with the change in the bill, is there for the protection both of the person who is making the complaint and the respondent, the professional who has a complaint brought against him or her. I think it is very important that we make sure that the protection is there for both.

Now, there are two main points I would like to make. One has to do with what the main change is in this bill today. The main change in the bill: basically, every one of the acts that is being affected will have more or less the same section inserted into the act. I do not need to go through all of that detail. The thing that is being changed that is so important is that previous to this bill, the act required that a summary of a tribunal decision, which would be the top body that the complaint would reach, be published in a newspaper in the community.

It used to be, in some of these acts, that if you felt that publishing the summary would harm you, you could go to the Supreme Court and request that it not be published. The refinement in this bill, I think, is extremely important. Because the refinement in this bill is not that none of the report would be published but that if somebody, either a respondent or a complainant, has a reason for believing that having their name published would be detrimental to them, they may request from the Supreme Court that his or her name be withheld. So, the report would still be published, the incident would still be published, but the name of either the respondent or complainant may be withheld if the person goes to the Supreme Court and the Supreme Court judges that that is the case.

This is the important difference that is coming into the act now. It means there is more openness, there is more transparency in the sense that nobody can request that the report not be published. We do know that these reports, whether they are published or not, can be accessed because anybody in the public does have the right to go to a college of any of the health professions and look at the record of a decision, but that takes a lot of pro-action on the part of the public or an individual who wants to do that.

What this bill is saying, every report will be published but if an individual wants to have their name withheld that can happen if the Supreme Court says so. That is an important point, and there are reasons why somebody may want to have their name withheld. Although it was noted – and I do want to thank the department for the briefing – in the briefing that there have not been cases of anyone going to the Supreme Court and requesting non-publication, and that would be non-publication of a full report. In actual fact, there is not a lot of that going on anyway. Whether it is or not, at least this amendment allows for greater transparency so that all reports will be published. If somebody wants their name withheld, they can apply to the Supreme Court.

The other point I would like to speak to has to do with the tribunals themselves. What happens is somebody wants to make a complaint. They make it known they want to do a complaint. That complaint gets studied and a decision is made whether or not the complaint should go further. Serious complaints go to – I should back up a bit. Some of the complaints, for example, can be billing complaints. People complaining that either they have been billed wrongly or they do not like the process of billing that has been going on. Sometimes you get complaints about rudeness or complaints about long waits.

There are a variety of complaints that can be fairly minor and can be dealt with easily through an apology, a phone call and people clarifying things. A more serious complaint goes to a Complaints Authorization Committee to investigate. It consists of two elected college members, that means two people from the college of the person, and one minister appointed college or council member.

This group is the group that looks at a more serious complaint and decides whether or not there is sufficient substance to the complaint to go further. If there is, then the Complaints Authorization Committee appoints a tribunal consisting of one public representative, plus two peers of the professional in question. There is a hearing and the hearing is advertised in a public notice. It is the tribunal that I would like to speak to, Mr. Speaker.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MS MICHAEL:** Tribunals are pretty formal, and for a person making the complaint and even for the respondent, this can be a stressful situation. I would suggest, would be a stressful situation. There really needs to be a tribunal where people feel comfortable, that they feel they are getting a just hearing.

Except for saying one public representative plus two peers of the profession in question, there is no other direction given with regard to the tribunal. I put this out, not that it would be put into the act but could be put into regulations, and that is why I am putting it out for the minister to think about. That it would be, I think, very helpful if some direction were given to the Complaints Authorization Committee with regard to the formation of the tribunal that recognizes certain circumstances.

If the complainant or a respondent, for example, were a woman and the tribunal were all men, that could be problematic. Let's say the complainant is a member of one of the Aboriginal communities in our Province and there is nobody on the tribunal who comes from an Aboriginal background. We are becoming much more multicultural now in our Province and let's say the complainant or the respondent comes from an ethnic minority, in the context of Newfoundland and Labrador, and there is nobody on the tribunal representing that ethnic minority.

Either one of these cases that I have outlined could make it uncomfortable and give the sense, especially to the complainant but to the respondent as well, of not having a fair hearing because you could have things coming into play that could have affected what the incident is that is being reported. You could actually have things coming into play because of a person being from an ethnic minority, or because of the person being a woman, or because of the person being a member of an Aboriginal group, or because of the person being a person with a disability. These are all concerns that we have in this House and the concerns that we have in our society.

I think it would be really good if the minister and the department would speak with the twenty-three professions involved, and talk further about the implications of having a tribunal which does not in some way reflect the person who is complaining, or the respondent, or both. We should make sure that the process is going to be as successful as possible.

I think both looking at ethnic issues, gender issues, race issues, and issues of ability, all of that becomes very important if especially the person complaining feels they are really going to be heard by the tribunal. It is extremely important. It can also be important as well for the respondent.

I put that out as something for the minister to think about. As I said, I do not think it is something that would go into the act itself. It could, and this may be the discussion the minister should have, or maybe it should just be in regulations. In some way or other if this is going to be a fair process, then I think it is important we look at this issue of representation on the tribunal to make it something that the complainant or respondent will feel he or she is getting a fair hearing and that they are being understood.

Obviously, very often with complaints there is some level of lack of understanding or behaviour that is based on lack of understanding. Making sure the tribunal is reflective in whatever way possible of both the complainant and the respondent would help with that process. As I said, I am not sure, it is not here anywhere, it is not in the act as it stands, but it is something that I think we are at a point in time when we should be looking at it in this Province. I put that out to the Speaker.

Having said that, the other thing, Mr. Speaker, I am not sure about and I would like the minister to check on this as well – and I know people in his office are listening as we speak so I am sure they will find the answer to this. What I do not know is whether or not going to the Supreme Court and making a request costs money to the person. Do they require legal help in doing that? Do they require a lawyer for example? Would money be involved? Because if such is the case, that could be a reason why there have been no requests to the Supreme Court. If such is the

case, it would stop people from going forward, going to the Supreme Court and letting it be known that they would like to have their name withheld in any publication, or any identifier withheld in any publication.

I would like to know from the minister, when he does respond to us, whether or not money is involved. Is that a barrier for people? If it is, I think it should not be there. I think that if it did require legal help, if it did require a lawyer, that should be part of the process and that the individual who is making the complaint, or the respondent as far as that goes, should have to cover legal costs going to the Supreme Court. As I said, maybe there is nothing involved, but I think we need to know that and I look forward to hearing from the minister whether such is the case.

Having made those points, Mr. Speaker, I am happy to say we will support this bill. It makes sense, but I would like to know if the minister is taking seriously the points I have made, both with regard to the tribunal itself and the makeup of the tribunal, and also with regard to does it cost money to go to the Supreme Court.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for Bonavista North.

**MR. CROSS:** Thank you, Mr. Speaker.

It is certainly great to stand here again today after experiencing a weekend in the district, meeting and addressing the people of the district at different functions and events that we get back here on the floor again. Some of the things that we debated and spoke about a few days ago, Mr. Speaker, residents were full of questions over the weekend.

I guess what I will try to do is tailor some of the comments I make today such that they may take some of the technical things out of this bill. We went and had a briefing a few days ago. We were briefed on three different bills. We went through the first two and said: Gee, that was awful technical stuff there. Well, wait until you get to the next one. It was the next one, Bill 8, the one that we are up for, that I was slated to be one of the speakers for. At that point, my jaw

dropped and I had to get into a little more studying, Mr. Speaker. There is a lot of technical language, a long name to this bill, Bill 8; but, at the same point in time it is referring to, as our previous speaker said, seventeen different groups or practicing bodies within our health care professions, thirteen of which are operated in a slightly different way and four more there can be brought in line with these.

If you think about some of the people now this time of the year who are watching the playoffs, we started off with seventeen teams and there are all kinds of debates there that certain teams were not going by the same rules and different referees. You cannot have different teams operating with different parameters around them, Mr. Speaker. In some of these, in the case of the Chiropractors Act, Health Professions Act, Medical Act, 2011, and Social Workers Act, these have certain things about them that need to be drawn in line with the remaining number of practitioners, then we would have a consistency. That is very important. The same as we cannot have teams in the playoffs with one team not getting penalties and everybody else can get penalties, then it would not make for a very fair system, Mr. Speaker. It a very basic idea like that we are trying to do. We are trying to bring a consistency and a similarity to all of the different practicing groups within our health professions.

Bill 8 is very technical, it has lengthy explanations, but there is a lot of repetition there and when it gets down to the nuts and bolts of it, there are some simple things that we would like to relay to the people of Newfoundland and Labrador why this piece of legislation is coming forward and some overarching aims and objectives of this legislation.

Mr. Speaker, we can always say, as the Member for Humber West said, he started by opening and saying that everything we do with the legislation for the Department of Health and Community Services, what we are looking at is protecting the general public, making sure that we have top priority of the government their health, their safety, and also the welfare and the well-being of those who are delivering the practice to them. It is a combination on both sides there, Mr. Speaker. You hope to protect the patient; but also, the person who is giving the care, there are

certain things that need to be read into our legislations from time to time, that we need to assist and help in protecting the people who are giving the care as well.

We have enacted legislation that is regulating health professionals in our Province, Mr. Speaker. It is going to ensure that they follow appropriate conduct, and that is what everybody expects. We expect it, the Opposition and the Third Party expect it, and the patients who are receiving this care in the Province want appropriate care and they want it from people who handle themselves in a manner consistent such that these patients are protected.

For thirteen of the seventeen health care profession regulatory statutes, Mr. Speaker, there is a requirement that once the health professional is found guilty of an offence by adjudication tribunal that a summary offence including the date, location, identification, and all of these extra pieces of information, be published in a local paper.

For the people of Bonavista North, it is typical that paper would be *The Beacon*, which was published out of Gander which is circulated through the whole district. Generally when we have seen things related to our health care, it is pretty well also published in *The Telegram* as well, which gets to every part of the Province.

Four of these bodies allow the appeal court to rule that the summary of an order or decision may not be published in certain things. The Member for Humber West spoke to this when he was standing, Mr. Speaker, and it was alluded to by the first speaker from the Opposition, that we have to look at the fact that sometimes when someone puts in a complaint – and there is a simple process whereby it all starts that someone has made a complaint about a health care provider.

I wrote down one comment in the other notes here the other day in the briefing. In order for a complaint to be a legitimate type of complaint, really it has to be about something that is conduct deserving of sanction. Those are the words the officials from the department stated. It is not for small complaints. It is not because you did not like the amount of your dentist bill. It is not because you did not like the style of the

bill or the actual way the person spoke to you. It was probably along the lines of the fact that you did not get appropriate health care in a timely fashion, or you just did not receive it all because something was overlooked.

What happens, Mr. Speaker, when you are going to make that complaint, things like that which is the typical normal practice of someone in the health care profession to provide the health care in a timely fashion, and by methods that are up to today's standards and not by methods that were used fifty years ago – there are things we do, though, that we realize the methods used fifty years ago are the same ones used today. In most cases, you will expect people to operate in current modern standards of business.

That is another part of this, Mr. Speaker. When you put in this complaint, if you feel you are wrong then it must be for a serious type of behaviour. It is obviously not frivolous at the time of complaint. Once the complaint is lodged, obviously through the process – we asked this again the other day and there is a period of investigation, it would end up with some evaluation, it would be probably reach a tribunal stage, then there is a sanction stage and a publication stage. These are the different stages through this complaint from the start of the time where a patient feels that something is just not right with their care until it gets to the end of the process, Mr. Speaker. The limits of this process are all laid out, and certain things that can be put in there.

For the most part, most of this is balanced today. What we are talking about is around what may or may not be published in the actual report that is published in the paper. There are things here that because of certain things that may cause more harm than what is intended or more harm than good, and most of our speakers have referred to that today as well, Mr. Speaker. You do not want someone to suffer a greater consequence than is necessary, or by publication of the complainants name or something about the community or the location that would give away the identity of the complainant if it is wished not to be disclosed, then it would cause more trauma for that person than the problem would solve in the first place from their lodging the complaint in the beginning.

Again, we have to be very careful. We know all of the checks and balances for all of this should be in the legislation, should be in the proper way. This is one of these checks and balances to make sure that everything is delivered in a consistent fashion, Mr. Speaker, through all seventeen bodies, regulatory bodies that is offering care in our Province.

We will always aim to have the appropriate disclosure of information concerning our health care available; however, we are very, very careful that we do not disclose too much information that would cause more harm in the long run than what we are trying to protect. We have to be very, very careful of that. That is built into this as well, Mr. Speaker.

I am sure many of the questions that were asked by the speakers from the opposite side will be answered by the minister at the end of this debate. I am sure we should be able to stand united together to look at this as a forward thinking legislation in the way that it would bring consistency and legitimacy to any of these complaints that are lodged and all of the reporting of this information would be done in a fair and consistent manner through all regulatory bodies.

I think saying that, Mr. Speaker, I have said my piece. I hope the people of Bonavista North and all other people understand what I have said in trying to put it out there in layman's terms that this is what we are looking at today and this is what is essential and necessary at this time.

I thank you for indulging me the time to speak, Mr. Speaker, and one would hope that all members will support this amendment.

Thank you.

**MR. SPEAKER:** The hon. the Member for Mount Pearl South.

**MR. LANE:** Thank you, Mr. Speaker.

It certainly is a pleasure to stand in this hon. House once again at this particular time to speak to Bill 8, An Act to Amend Various Acts of the Province Respecting Publication of a Summary of a Decision or Order of an Adjudication Tribunal.

Mr. Speaker, without getting too repetitive, I know a number of members have spoken to this piece of legislation already, but as has been indicated, as members of the Opposition we want to make sure we have our input into every piece of legislation that gets passed in this House, to ensure it is done properly, and that we have the best possible piece of legislation that we can have put forward for the benefit, and in many cases, the protection of the people for whom we serve.

Mr. Speaker, as has been indicated, this particular piece of legislation is going to apply to seventeen acts which cover seventeen disciplines in the medical field in our health care system. Primarily what we are talking about here, as has been said, is to ensure that we have an appropriate mechanism in place for members of the general public who may have a concern, possibly a minor concern. Primarily, this piece of legislation is actually dealing with significant concerns that individuals would have as a result from any treatment they received or any interaction they have had with one of the health care professions indicated in this piece of legislation under our health care system.

Mr. Speaker, when you look at the different professions that are covered here, I think we all realize the need to have that protection for people, to have a complaint mechanism in place, because while the vast majority – I will say 99 per cent of these people in these various professions are all professionals. They have all received extensive training, and we know that 99 per cent of them operate in an ethical and professional manner. As I said, they are all educated to do so. They follow standards which have been developed by the particular professions, which they are held to within their own disciplines, and certainly within the health care field from an overall perspective.

That being said, Mr. Speaker, like every profession, no matter what that particular profession is we know there always will be, because we are talking about human beings, we are not talking about robots here, people can make mistakes. Sometimes it is because of maybe heavy caseloads and so on. Sometimes people rush through things they ought not to have done; they skip steps perhaps in procedures. Because they are rushed and so on,

that kind of thing can happen. Sometimes, unfortunately, and we have seen it here in this Province quite publicly, where we have had some individuals in the health care profession who found themselves before the courts for activity that may have been unethical, an activity that was actually considered – people found guilty to offences under the criminal code.

We have seen it happen. While it is very, very rare – thankfully – it can happen. With that said, it is important we have legislation in place so that people who feel perhaps they were not treated in an ethical manner, in a professional manner, or there was some other wrongdoing done to them or negligence, it is important that they have a mechanism in place to ensure their concerns are brought forward and dealt with. That is what this is going to do.

When you look at some of the professions listed here, we have chiropractors, dentists, denturists, dieticians, hearing aid practitioners, licensed practical nurses, massage therapists, occupational therapists, optometrists, pharmacists, physiotherapists, psychologists, registered nurses, social workers and so on. When you look at all of these professions, Mr. Speaker, you realize how dependent we are as citizens on these people, how dependent we are for our health. I think everybody would agree, on all sides of the House, that the number one priority that we hear from citizens, and certainly the budgets show it year over year, is the health care system.

We do have an aging population, and we are seeing more and more people having to avail of the health care system, and having to avail of the services of all of these different groups which are listed, all seventeen of them. We have to ensure that all those interactions, like I said – that people are receiving the care they should.

Unlike some interactions that you might have – if we were talking about a mechanic or something, for argument's sake, and that person was working on our vehicle and they made a mistake or whatever, I guess that could be serious too depending on if you had an accident. When you are talking about a physician who is responsible for diagnosing you with a particular illness, for example, if there was a misdiagnosis for example, that could mean the difference

between somebody living or dying. If there was an improper treatment plan developed by a particular physician that could have a devastating impact on an individual in terms of their health.

If we look at physiotherapists, for example, if they were not operating properly with the proper treatment and through negligence, they could negatively impact somebody for the rest of their life in terms of their ability to walk, or to stand, or whatever the case might be, to lift things and so on. If we look at dietitians, for example, we know there are a lot of people who have various food allergies that could be devastating on their health.

If the individual responsible for that was not operating in an ethical manner, was not ensuring that they had all the appropriate information on that particular patient and doing their due diligence to ensure that a particular patient or client was not receiving the proper foods that they are supposed to be receiving, or that they did receive food they were allergic to, for example, that could have a devastating impact on a person. We can go on and on and on when it comes to that. All of these professions that we are talking about here, if they are not operating ethically and competently, all of these professions could have negative impacts on us all. To have a piece of legislation in place so that we have a mechanism to bring forth concerns, that is a good thing.

As has been said, when we talk about bringing forth these concerns, there are a couple of steps in the process which make sense. First of all, you would bring it forth to the particular college that is involved for that profession, your initial complaint, and they would basically screen that complaint. I think that is important as well because we want to ensure this is really meant, when we talk about the tribunal piece and everything, which I will get into a little later, but before we get to that stage it is important that there is a screening mechanism to ensure that only the serious issues, the serious concerns, are going to that stage. What we have, of course, is that someone could have a complaint against a physician or another one of these health care providers, but they would go forth to that particular physician's college it is called or, in layman's terms, the association responsible for



that particular health care profession, to bring forth that complaint and they would screen it to determine if it is a serious complaint or not.

Obviously, we are not going to be tying up tribunals and courts and everything else simply because somebody says I went to see a doctor and I had to wait too long, or I could not get an appointment for a week or two weeks. While those are concerns, it is not a concern that would really be aimed at the particular health care provider. Maybe it is a concern with the system, if we have enough resources in the system, but that is a different issue.

Or if somebody went to the doctor and they did not like the way they spoke to them, maybe they were a little bit rude or whatever the case might be with them – and we do expect and I am sure the professions expect all of their members to operate professionally; but if that did not happen, then that person could go forth, first of all, internally and then the internal mechanism with that college, they would probably look at it and say: Do you know what? You are right. That was not appropriate. They should not have spoken in a rude manner to you, for example, and they would ask that particular physician or health care provider to apologize and that would be the end of it, and that is fine.

Where we get into the next step of the tribunal, of course, is when we are into things which are much more serious than that. Those could be issues, for example, as I said, where perhaps there was a misdiagnosis of an individual. Again, that misdiagnosis could have led to a treatment plan being developed that was not the appropriate treatment. That particular treatment could have led to further complications, or perhaps there was a misdiagnosis and as a result of that diagnosis, the person was given medication. They were given medication for something that they should not have received medication for – or treatment, and we have seen that.

We have seen that happen on our health care system in the past. It has been in the media where somebody was improperly diagnosed because of an error – whether it had been an error or whether it had been just simply somebody not paying attention to what they were doing, someone being negligent, somebody

who perhaps should have been trained to do something but for some reason they never got trained properly, or whatever the case might be, and mistakes were made.

Certainly, when we have those types of serious situations – and we could also, by the way, Mr. Speaker, have situations beyond negligence and beyond error where somebody actually could have operated in a totally inappropriate manner even from a criminal perspective. Again, we have seen that in the media, as I indicated earlier –

**MR. SPEAKER:** Order, please!

I would ask the member to make his comments relevant to the principle of the bill.

**MR. LANE:** Okay, Mr. Speaker.

As I was saying, there are all kinds of complaints, whether it be serious complaints, and they can fall into a number of different categories where somebody would complain to these particular seventeen health care professions, to their colleges and so on. If that college, and under the legislation here, if those particular people doing the review from that particular profession took the information from that patient, from that individual, and determined that this is going beyond a minor complaint, this is going beyond someone simply being upset because they were spoken to rudely, now we are into something like negligence, incompetence or possible criminal activity, whatever it might be, now we are going to bring it forth to a tribunal. Once it goes to that tribunal, they are going to determine whether or not that particular health care provider from any of these seventeen listed is guilty as charged not necessarily from a criminal perspective, that would go obviously through the courts, but guilty of being negligent, for argument's sake.

In that particular case, if they found that there was a serious breach of code of ethics, a serious breach of practice, negligence and so on, then what this legislation calls for is that would have to be made public. Public disclosure so that we as citizens in the Province, we as citizens in our communities where these particular health care providers may have been operating are aware of the fact that a legitimate complaint – and that is

the key here: a legitimate complaint. We do not want people being thrown out there for illegitimate complaints. Once your name comes out there, whether you are guilty or not, then people would always have this suspicion that maybe you got away with something.

It is important to note that not until they are actually found guilty of that complaint will that information come forth publicly. It is important that it does come forth publicly so that we as citizens who depend so heavily upon these health care providers for our health, for our lives, have confidence that they are operating in a professional, ethical manner and the way they should be; and, if they are not, we are made aware of that as well. So, it is like the checks and balances in place. Ultimately, it is about accountability. That is really what it is about.

Currently, there are four professions according to this bill: the Chiropractors Act, Health Professions Act, Medical Act, and Social Workers Act. These four particular acts and the professions under these acts, currently, if there is a decision by a tribunal that they were actually found to be guilty of whatever the complaint was, there was discretion the courts could have to say no, you do not have to publish that. For the other thirteen, you did have to publish it, but for these four they did not.

With this change for all seventeen of these there would be public disclosure that a legitimate complaint was made, the individual was deemed to be guilty of that particular complaint, now it is going to be published and any sanctions against that particular individual is all going to be listed there as well. There is a bunch of information, as has been indicated, that has to go there. The summary will include the name of the respondent, address, where they practice; date, location, brief description of the conduct of the respondent that was found to be deserving of sanction; the name of the complainant, unless the complainant has requested that their name be withheld – and I would say, most of the time, that is probably what would happen – the contents of the order in relation to the actions referenced; and any other information specified for publication in the decision of the order. That information would be made public.

Now, the other piece, the final piece to this – and I only have a little over a minute left – is that, I guess, in terms of fairness to everybody, there is a mechanism here whereby you could appeal to the court, for example, to say that perhaps there would not be total disclosure. That is not saying it is not going to be disclosed that this happened and who it happened to, but there may be certain details around the particular case that would not be in the best interests of either the complainant, the individual receiving the care or who did not receive the proper care in any case, and certainly of the individual who was accused and found to be responsible for that particular behaviour, there is a mechanism to appeal to the court there that there may be certain details, for various reasons, that could be damaging to either party or their families or anything else, that the court could order not be disclosed. That is just taking a reasonable, fair approach.

I did hear the Leader of the Third Party and I think she said that the general public should pay the bill for the health care provider's lawyer if they are going to appeal this. That is what I thought she said, and I stand to be corrected. If that is what she said, I certainly do not agree with that particular point. Because at this point if the individual is actually found to be guilty by his peers and then if he wants to appeal it, then he should pay for his own lawyer as far as I am concerned.

Other than that, Mr. Speaker, I think it is a good piece of legislation. I will be voting for it.

Thank you.

**MR. SPEAKER:** The hon. the Member for Cape St. Francis.

**SOME HON. MEMBERS:** Hear, hear!

**MR. K. PARSONS:** Thank you very much, Mr. Speaker.

It is indeed a pleasure to get up here today and a privilege to get up here to represent my beautiful district, as I always say, of Cape St. Francis.

Mr. Speaker, these amendments that we are doing here today, basically what we are doing is we are protecting the general public. If you look

at the investment that our government has made in the health care system over the last number of years, we understand how important it is to have a health care system that our public has great trust in. Today, what we are doing in this bill, it is all about trust, and it is all about a code of conduct and making sure that we have everyone on the one page so that what applies in one statute, applies in another one. We have eighteen different statutes. I am not going to name them out. I think they were already named by four of the members who got up here already today and spoke about it.

Mr. Speaker, what we are doing, basically, is we are amending and making sure that the same criteria in each statute is followed and that the same rules, same – all of it has to do with our health care professionals, and it is to make sure that all these health care professionals are aligned and in the same process when a tribunal comes in and makes a decision on whether it is a decision that comes that has to take a publication. Publication will mean that there was somebody found guilty.

Now, Mr. Speaker, in the health care professional – I, and I am sure that most people in this Province, really appreciate our health care professionals. They are hard-working individuals who have a lot of stress. Actually, their time, I am sure that most of them work long hours, put a lot of effort into it, and the stress of anyone who is involved in the health care system is amazing sometimes. We all know what it is like in our families when we have people who are sick. Can you imagine? Most of these people day in, day out are dealing with people – it could be chiropractors. It could be someone with a lot of chronic pain and they need to put them on a certain thing where they are to. So it is important that our health care professionals all be treated in the one thing – and that is what this bill is doing.

I just want to talk a little bit about some of the things in regard to health care professionals. You look at this bill and sometimes it will come up that – I know everybody just spoke about if they are found guilty. In every part of society, people need help. What this is doing here today, our health care professionals, while they may have very serious things happen to them like lose their licence or their certificate could be

taken, or a fine be there or they are stricken from a registry of their profession, there are other things that can happen here also. Mr. Speaker, the tribunal may require that the health care professional have medical treatment. There may be something medically wrong with that person. No matter if it is a health care professional or anybody, it could be a politician, I am sure there are lots in here who need medical treatment as well. It may be some counselling they may need. It may be a result of substance abuse.

I know in society today, it is amazing when you look at people with substance abuse. It could be a doctor, as well as it can be a lawyer. It can be anyone in our society today. That is part of the tribunal. They may say listen, this person, because of the complaint that was made and it was found yes, that he has problems with substance abuse and they may require some treatment. They may require some guidance, or some counselling, or whatever. That is also part of what is happening here with this, too.

It also may be encouraging them to continue with education. Maybe there are health care professionals out there that times change – I know if you look at the technologies today, it seems like everything is changing time after time with that. There may be new methods that they should become aware of. There may be education they need to get more involved in to understand what is happening in health care professions.

**MR. SPEAKER:** I am going to ask the hon. member to stick to the clause and the principle of the bill, please.

**MR. K. PARSONS:** Okay, sure, Mr. Speaker.

Mr. Speaker, the adjudicator can also rule that there be periodic inspections done. So they may find somebody guilty of this but then they would say: Okay, listen, we find you guilty, we want you to do this. There are publications put out there and we will come back and make sure in six months, in a year, in two years, that you are following what you were supposed to be following, what we found out under the adjudication.

Mr. Speaker, I just want to talk a little bit – again, I have so much respect for our people in

the health care system. Like I said, it is a very hard and trying occupation. They do their best for everyone in the Province.

What this is doing, the bill itself is bringing all of our professional statutes in form and making sure everybody falls under the one type of rules, and that what applies to one does not apply for someone else. This, today, will put everybody – I think it is eighteen statutes – under the same rules and regulations when it comes out to publications of whatever was found guilty.

Most of the stuff, Mr. Speaker, as you will understand, is that when people do complain – I know all of my other hon. members mentioned this – that a lot of stuff is handled internally. I believe the minister told me that while there are a lot of complaints with the health care system, most of it does not get to the level of adjudication where the tribunal has to be set up among peers and someone from the department and whatever that area is, that they will have to judge whether the person did something wrong or finds them guilty.

I am sure that when it comes to whether complaints would even get in or you cannot get in to a doctor's office, or the doctor may be rude to you that day, this stuff is handled internally. The other stuff we are talking about here today is when there is some complaint – and there are rules saying, listen, we had better look into this allegation.

This act also protects both the patient and the health care professional. Sometimes people can make complaints just in order to make a complaint. In this act, it makes sure everyone is under the one level, that all the people and the health professionals are treated the same way. If somebody makes a complaint, it has to go through the system to make sure the complaint is not just something that is vindictive against somebody.

Also, at the end of the day, Mr. Speaker, what it does is it protects the patient. It is also in the act that if the patient's name does not want to come out. A lot of times you will not see people make complaints because they are fearful their name will come out in public, I do not want my name out there. Meanwhile, some people may say: Listen, put my name out there. I do not care, go

ahead and do it. There are other people who are private and they do not want this brought out in public. There is protection there for the patient and there is protection there for the health care professional.

I think it is a great piece of legislation. I am sure that everyone in this House will be supporting it.

Thank you very much, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER (Littlejohn):** The hon. the Member for St. Barbe.

**MR. J. BENNETT:** Thank you, Mr. Speaker.

I would like to take a few minutes to speak in support of this bill. For the people who are watching at home, they may be wondering, what is this big to-do about adjudication tribunal decisions? It goes back to how our Province over time is becoming more and more professionalized. Professional services are being provided by a whole range of self-governing bodies. That goes to the root of this bill.

There are seventeen that are dealt with in this case: chiropractors, dentists, denturists, dieticians, dispensing opticians, health professions generally, hearing aid practitioners, licensed practical nurses, massage therapists, Medical Act for doctors, occupational therapists, Optometry Act, Pharmacy Act, Physiotherapy Act, psychologists, registered nurses, and social workers.

Mr. Speaker, all of these bodies are individuals who are by and large educated with a specialty, generally but not necessarily university education. They are people our Province has decided, as most jurisdictions certainly in North America and Europe that it is appropriate and suitable that these professionals be governed by themselves, for a self-governing body. When it happens that a group is a self-governing body, that means they must create and comply with their own code of ethics, their own standard of practice or standard of care, how they conduct themselves generally, and in particular, how they conduct themselves with their patients, members of the public.

By the time this act would be in play, there would already have been some sort of a disciplinary hearing. When you get to the disciplinary hearing, it could be for a whole range of items, and these are not necessarily criminal actions. It could be something, for example, a nurse at the end of a shift, at the end of maybe a twelve-hour shift who has been looking after scores of patients who are bedridden, who may be curt with a family member. Family members are generally going to be very stressed at times like this.

The nurse might make comments after eleven or twelve hours of work. Somebody's loved one who is in stage care, it might only be hours, days, weeks away from death and the nurse is really pressed and maybe makes comments about somebody in response to probably family members who have shown up in the morning, they are absolutely fresh, and they wonder: Why hasn't my grandfather, parent, spouse, or whatever, why haven't they been cared for in the last two hours? This could result in disciplinary proceedings against a nurse.

It could be a situation whereby a busy doctor who maintains an excellent practice, and doctors could be responsible for – it might be remote, it might be rural. They may well have access to drugs, or they may not. That would mean they would be responsible for the security of whatever they have and maybe a staff member develops a drug addiction.

Maybe a staff member is pilfering Tylenol 3s or whatever, and because the doctor is responsible and an issue comes up, the doctor may well be complained about for not having done something, not having maintained appropriate protocols and the self-governing body would accept a complaint and hear a complaint; or, it might be possibly a dentist and maybe the patient is – he is a very busy dentist and maybe patients are not satisfied that there is an appropriate level of cleanliness in maintaining the office. Who knows, people will complain about things they want to complain about, and then there is a disciplinary hearing.

It may well be a chiropractor. One area that I will comment on because I think the public does not expect us to mince words and does not expect us to beat around the bush. One of the

most difficult and inflammatory areas in dealing with professionals are the allegations of sexual impropriety. It may well be that psychologists, or doctors, or other professionals become involved with a patient and then this ends up in a complaint. The complaint may well go to the disciplinary body.

Until this bill there were four categories of professionals who could apply to court and not be published whatsoever. It just evolved in that way. This, in my view, comes from a time when the average person had very little education, the professional had a lot of education, and when there was a great disparity.

Nobody wanted to complain about somebody who might have been the only professional. It could be doctors, lawyers, teachers, or whatever, when they were more or less up here and the average person was down here. Today, the balance is pretty close. Most people are closer to being on par economically, educationally, and maybe socially with their professionals.

These four professions; chiropractors, health professions generally, doctors, and social workers could apply to a court and say I do not want my case to be reported. Even though the self-governing body had done a hearing and the patient had complained, now the hearing is finished, it goes away, and nobody ever hears anything. We live in a more open society today.

We live in a time when people think it really is not appropriate that something could be covered up, shuffled away, and not dealt with. That means that level of privacy or secrecy for wrongdoing professionals in those four self-governing professions now will be treated the same as the others.

Those four plus all thirteen others now can make an application to court. They can make an application to court and convince a judge of why my case should not be reported. In fact, the case itself will still be reported. The legislation that we are proposing and that I have no doubt will be passed, deals with – and there are seventeen. I have not looked at all seventeen of them. This one relatively short bill engages all of them.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. J. BENNETT:** The decisions that will be published are whether the respondent is suspended. Yes, it is appropriate to know if your doctor was suspended. Or whether the decision allows or directs a respondent to surrender his or her license.

Being permitted to surrender a license is one step down from being suspended. Generally what that means is that – at least in the case of lawyers – if you are allowed to resign, allowed to withdraw, you may be able to apply, or you are more likely to be able to apply at a future date. If you were not suspended, you withdrew from the profession, now you may have to rewrite exams, you may have to requalify. You may have to prove to your self-governing body that you do not have the substance-abuse problem that you had that resulted in you being suspended.

Another type of decision would restrict the respondent's practice. That may mean that the person who is making too many mistakes or just not getting it right, now can only practice in association with another similar professional for maybe a year, maybe a couple of years before they can go on their own again. The decision would specify other types of conditions for continuing the practice. A summary of that decision will be published, period. The decision will be published for all seventeen, whereas before for thirteen it could be and for four it could not be, on an application to court.

The summary shall include and now the new legislation will say, except where a court orders otherwise. This means that if the disciplinary body hears a case from one of these seventeen professions, and a decision is made against that person, a reprimand, suspension, or whatever, the decision is that will be published. However, the professional has an opportunity to apply to court and say, I do not want all the details to go in.

This has nothing to do with the complainant. The complainant in the previous legislation and in the current legislation could always say, I do not want my name or anything that would identify me to be published, and that would be fine, that would not happen because the

complaint or the victim has already been through enough trauma.

As the ones that I identified when I started to speak of it, if it is a case whereby a judge is satisfied that there are good reasons this person – let us say the professional fell into substance abuse; alcoholism, drug addictions, or whatever, and we certainly have all kinds of examples around us. If that person is making good faith steps, is in recovery, and can demonstrate to a judge's satisfaction that the decision will be published, but not too many details will come out – because it really is not in the public interest to set back your recovery. We as a society will work with you, if you have demonstrated that you are proceeding in good faith.

Some latitude is being provided for professionals in all seventeen categories so that if they are subject of a disciplinary proceeding that goes against them, they can ask to have some of the details not published. The decision will always be published, whereas before or up to now, the decision for four would not be published, but for thirteen it would be published. There is no real distinction why one should be treated any differently than the other that I can see.

The legislation seeks to standardize it to promote openness, to promote accountability, but also to inject an opportunity for people who, for reasons that will satisfy a judge, ought not to have as many details published as they would otherwise have published. Clearly, that part would be discretionary on the judge. Yes, there will be a cost for someone to apply to court for an application for a review of the decision and I have no issue with that. If somebody is committed to and looking for a break, then I see no reason why they would not be able to fund that themselves.

All in all, Mr. Speaker, I think that it is good legislation. It is well balanced. Over time we may hear of cases whereby it was too easy for people to not be published. It may be that you can pass legislation well intended and then it may be that it is abused, but only time will tell that.

If it happens that this type or this part of this legislation is not working in a few years' time, I am certain that whatever government is in power at that time will see fit to come back and maybe tighten up things. At this point, I am quite content with this legislation.

I have no further comments, Mr. Speaker.

**MR. SPEAKER:** If the hon. Minister of Health and Community Services speaks now he will close debate.

The hon. the Minister of Health and Community Services.

**SOME HON. MEMBERS:** Hear, hear!

**MR. DAVIS:** Thank you, Mr. Speaker.

I, first of all, would like to thank members of the House for participating in this debate today. I have been diligently making notes on comments and questions made by some of the members. I know the Member for Burgeo – La Poile mentioned earlier that his experience has been if he mentioned something in second reading then if I can provide the information to him when I stand to speak last in debate, can I provide that information. He is right, I intend to do that or make an effort to respond to the inquiries from members from both sides of the House and all members who spoke on this today.

I will make an effort to try and reach all of the points. Of course, if I do not address the points to their satisfaction I am sure then we will have questions when we go to Committee. We will have an opportunity to further discuss those points in Committee.

The Member for Burgeo – La Poile asked about consultation, and what consultation was done in the developing of this bill. I would like to point out first of all, Mr. Speaker, that there are twenty-four different health professions that are affected by this piece of legislation. There are seventeen health professional statutes that are contained or on the books. One of them, the association of health professionals, or the Health Professions Act, has a number of different services that come under that particular act. There are six, I believe, under the Health Professions Act. There are some others that in

development and work, but there are twenty-four in total.

Those twenty-four actually represent approximately 15,000 health professionals throughout Newfoundland and Labrador. My understanding is that last year, there were six matters that were referred to a disciplinary panel. Out of 15,000 health professionals, that resulted in six matters that actually made it to a disciplinary hearing. That, I am told, is consistent with previous years. It is a relatively small number considering the large number of health professionals working in Newfoundland and Labrador, and the number of interactions they have with patients and clients on a daily basis.

Most of those 15,000 are represented through some of the larger associations such as the College of Physicians and Surgeons, the Association of Registered Nurses, the Association of Social Workers, and also the Council of Health Professionals. They were all a part of the initial consultations as well as one of the smaller ones, the Chiropractic Board – were all consulted very early in the process.

That led to the development of the draft of the legislation where we are now. A few weeks ago, prior to me coming in to the department, my understanding is that it was a few weeks ago that the others were then contacted and advised. There were some questions and concerns raised by a couple of them around cost. That was a question that came up in the House here this afternoon. I would like to deal with that as well.

I want to point out that this act deals with circumstances when sanctions are required to be published under the legislation. Under the legislation it lays out when a sanction is to be published. I will just pull one out here and I will use the Dental Act as an example because I have that here in front of me.

The Dental Act and all of them under this act will lay out that, "Unless a court orders otherwise, the summary of the decision published under subsection (3) shall include (a) the name of the respondent", the date and location, a brief description and so on.

What it will indicate is that the person will have to – just a moment, Mr. Speaker. It requires that, “The registrar shall publish a summary of a decision or order of an adjudication tribunal in a newspaper of general circulation in or nearest to the community in which the respondent...” lives or operates.

It goes on to say that what must be published is when the decision is that it, “suspends the respondent; allows or directs the respondent to surrender his or her licence...specifies conditions for the continuing practice of the respondent”. It also says that it, “requires that a summary of the decision or order to be published.”

The point here, Mr. Speaker, is that there are sanctions and remedies that are available to a tribunal that are not required to be published. Such sanctions will include when a sanction is to pay costs to a complainant or make restitution to a complainant, or when the tribunal may order that there is an inspection of records. Under those circumstances it is not required that those types of sanctions be published. It is only when those listed in the act that require the publication will exist.

The cost is only borne when a person who has been sanctioned under the act feels there are certain pieces of the decision that should be protected. If a health professional goes through a tribunal process and a health professional finds that I had an extenuating circumstance here, and under this extenuating circumstance I believe that all the details of the tribunal – some part of the tribunal should not be published. Therefore, they can then apply and go to the Supreme Court and ask the Supreme Court to withhold the publication and release of certain pieces of information.

The only cost that would exist would be when the person who had been sanctioned feels that certain pieces of information should be exempted from publication. It is separated from the tribunal for a couple of reasons. One is the role of the tribunal is to listen to evidence, to provide a fairness – and some of what I am going to comment on now speaks to the Member for Signal Hill – Quidi Vidi.

They have to follow the principles of natural justice and fairness. It has to be done, and we trust the regulatory bodies to do this. The regulatory bodies want to ensure that their member’s practice is in good order and done according to their requirements. They need to follow the laws of natural justice so that there is no bias, so that there is fairness, so there is an opportunity for examination and cross-examination, and so that there is proper notice and fairness provided there.

We rely on the regulatory authorities to ensure that. When we appoint public representatives to these regulatory authorities that is one of the considerations that are sometimes made as well. What is the composition of the tribunal at the time, or the regulatory board as well and their disciplinary board, so that we have fairness and balance in such things as gender, geographic location, experience, and so on? That is considered when the tribunals are made. Then the tribunal is asked to make a decision on the activities of a member.

Separate from that, if after the outcome of the tribunal a person feels that there is an extenuating circumstance whereby they can make application or they should have a separate hearing to say some of this should not be published because of an extenuating factor, then we believe that the Supreme Court is much better positioned to make the determination on publication bans. They have much more experience in publication bans and publication orders. We feel that is the right venue for a matter to be taken to.

Mr. Speaker, as well mentioned this afternoon just to go back to the cost again, I think I have clarified that one: are there costs associated with going to court? Yes, there is a cost associated with going to court. There is always a cost associated with going to court. If a person decides to take a matter to court, if a person decides they want to have a court process, then they are able to do that. They can do that. If they so desire to take a matter to court, there is always a cost that is going to be associated with that, that is only if the person wishes to take the matter to court. If the person does not wish to go to the Supreme Court and ask for an amendment to the publication of what



information is being published, then of course there would be no cost to them.

I want to point out as well to the Member for Burgeo – La Poile in his comments earlier, and he referred to this, there are essentially two different groups right now under health professionals acts when it comes to what we are referring to here. There are a group of four who currently have an opportunity to go to court for a publication ban, being the Chiropractors Act, Health Professions Act, Medical Act, and the Social Workers Act. On the four of those there is an opportunity now to go to court, but it is only to go to court and ask that a publication not occur. It does not give an opportunity for the courts to say: Well, we are going to publish some of it. It is only a process to go to say we are not going to publish.

The other seventeen are silent on it. What we are proposing here, just to be clear, is that all of them become consistent so that it will now say that unless otherwise by a court, the decision published under section shall include – now it will give the court the opportunity to determine what will be included in the summary of the decision that will be published.

Mr. Speaker, it is a little bit different. What the four currently have is they can go to court and say we do not want this published, for those four only. Our position is that the public has a right and should know when publications are issued. When tribunals occur and sanctions are issued against health profession, the public should know about that. They should have access to that. That should be open and accessible and available to the public, except in extenuating circumstances.

What we are requiring under this legislation is we are saying it should still be published and then the Supreme Court can make a decision of what information is not included. Under an extenuating circumstance, a person now has the ability to go to the court and make an argument that certain piece of that information should not be published and make the case for what those reasons are.

Mr. Speaker, I think I have answered most of the concerns laid out by my colleagues here in the House this afternoon. Again, just to review very

quickly, there are 15,000 health professionals in Newfoundland and Labrador. Last year there were six tribunals out of those 15,000 – of all the health professions, it resulted in six disciplinary hearings, tribunals that took place, a fairly small number for the large number of health professions that work in our Province and considering the large volume of interactions they have with residents of Newfoundland and Labrador on a daily basis.

My understanding is of the four that already have the option to go to the Supreme Court to ask the court to not publish, that it has not happened, that none have taken that course of action. What we are doing here by amending these pieces of legislation, all of them will be that it will require publication; however, upon application by a person who has received a sanction, it will give the court the opportunity to decide what information may be exempted if it deems fit.

So, Mr. Speaker, I will conclude my remarks this afternoon. Again, I thank all the members for participating, and again, I will be quite happy to have further discussion in Committee, if members so desire.

Thank you, very much.

**MR. SPEAKER:** Is it the pleasure of the House that the said bill be now read the second time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Carried.

**CLERK:** A bill, An Act To Amend Various Acts Of The Province Respecting The Publication Of A Summary Of A Decision Or Order Of An Adjudication Tribunal. (Bill 8)

**MR. SPEAKER:** This bill has now been a second time.

When shall the bill be referred to a Committee of the Whole?

**MR. KING:** Today.

**MR. SPEAKER:** Today.

On motion, a bill “An Act To Amend Various Acts Of The Province Respecting The Publication Of A Summary Of A Decision Or Order Of An Adjudication Tribunal”, read a second time, ordered referred to a Committee of the Whole presently, by leave. (Bill 8)

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

I would like to call from the Order Paper, Motion 4. I move, seconded by the Minister of Finance and President of Treasury Board, to ask leave to introduce a bill entitled, An Act To Amend The Income Tax Act, 2000, Bill 13, and the said bill be now read the first time.

**MR. SPEAKER:** The hon. the Government House Leader, can you just repeat that so I am clear again? I am sorry about that.

**MR. KING:** No problem, Mr. Speaker.

I think I may have advised you I was going in a different direction –

**MR. SPEAKER:** You did.

**MR. KING:** – so I apologize for that as well.

Mr. Speaker, I am going to Motion 4 from the Order Paper. I move, seconded by the Minister of Finance and President of Treasury Board, to ask leave to introduce a bill entitled, An Act To Amend The Income Tax Act, 2000, Bill 13, and the said bill be now read the first time.

**MR. SPEAKER:** It is moved and seconded that the Minister of Finance shall have leave to introduce a bill entitled, An Act To Amend The Income Tax Act, 2000, Bill 13, and that the said bill be now read the first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 13, and that the said bill now be read a first time?

All those in favour, ‘aye’.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, ‘nay’.

Carried.

Motion, the hon. the Minister of Finance and President of Treasury Board to introduce a bill, “An Act To Amend The Income Tax Act, 2000”, carried. (Bill 13)

**CLERK:** A bill, An Act To Amend The Income Tax Act, 2000. (Bill 13)

**MR. SPEAKER:** This bill has now been read a first time. When shall the said bill be read a second time?

**MR. KING:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 13 read a first time, ordered read a second time on tomorrow.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

I now would like to call from the Order Paper, Order 1, third reading of a bill, An Act To Amend The Health Professions Act, Bill 7, and that the said bill be now read the third time.

**MR. SPEAKER:** The hon. the Government House Leader, I have lost your Order Paper.

**MR. KING:** Sure. Excuse me, I have called from the Order Paper, Mr. Speaker, Order 1, third reading of a bill so moved by me, seconded by the Minister of Health and Community Services that Bill 7, An Act To Amend The Health Professions Act, be now read the third time.

**MR. SPEAKER:** Okay.

It is moved and seconded that the said bill be now read the third time.

Is it the pleasure of the House to adopt the motion that the Bill 7 be now read the third time?

All those in favour, ‘aye’.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Carried.

**CLERK:** A bill, An Act To Amend The Health Professions Act. (Bill 7)

**MR. SPEAKER:** This bill is now read the third time and it is ordered that the bill do pass and its title be as on the Order Paper.

On motion, a bill, "An Act To Amend The Health Professions Act", read a third time, ordered passed and its title be as on the Order Paper. (Bill 7)

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

At this time, I move, seconded by the Minister of Health and Community Services, that the House resolve itself into a Committee of the Whole to consider Bill 8.

**MR. SPEAKER:** The motion is that the House resolve itself into a Committee of the Whole to consider Bill 8, and that I do now leave the Chair.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Carried.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

I am not sure if it is a point of order or clarification, or if I am going to seek leave, but can I also refer Bill 4 to Committee as well, rather than have to go in and come out and go back again, if the hon. members are okay with that.

**MR. SPEAKER:** By leave?

**AN HON. MEMBER:** Leave.

**MR. SPEAKER:** By leave.

**MR. KING:** That would be Bill 4 and Bill 8 being referred to Committee.

**MR. SPEAKER:** Bill 4 and Bill 8 are being referred to Committee?

**MR. KING:** Yes.

**MR. SPEAKER:** We will consider Bill 8 first, hon. Government House Leader?

**MR. KING:** Excuse me?

**MR. SPEAKER:** We will consider Bill 8 first in Committee?

**MR. KING:** Yes, that is correct.

**MR. SPEAKER:** Thank you.

On motion, that the House resolve itself into a Committee of the Whole, Mr. Speaker left the Chair.

### Committee of the Whole

**CHAIR (Verge):** Committee of the Whole considering Bill 8 and Bill 4. We will begin with debate on Bill 8.

A bill, "An Act To Amend Various Acts Of The Province Respecting The Publication Of A Summary Of A Decision Or Order Of An Adjudication Tribunal". (Bill 8)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

The hon. the Member for Burgeo – La Poile.

**MR. A. PARSONS:** Thank you, Mr. Chair.

Just a couple of questions, and I believe the minister may have put this out. I just want to reiterate or maybe ask again. I know there are a number of different groups but were they all consulted? Because I did hear from at least a couple that said they had not been consulted prior to this. I am just wondering, can your

department officials confirm was there a consultation with each group?

**CHAIR:** The hon. the Minister of Health and Community Services.

**MR. DAVIS:** Thank you, Mr. Chair.

I can confirm the information for the hon. member. There was initially, at the very beginning of the review and considerations being made, the College of Physicians and Surgeons, the Association of Registered Nurses, the Association of Social Workers, Council of Health Professions and Professionals, the Chiropractor Board were all discussed with earlier, but out of the twenty-six, they were a group that were selected as a cross-section of representatives.

Prior to the bill coming to the House of Assembly, all were contacted, notified of the changes. The responses that were received from them – it was, I say to the hon. member, a few weeks ago that this occurred, once the bill was prepared to come to the House. However, the only criticism back, one was inquiries about the consultative process that had taken place, the other was regarding cost, as I think I may have explained.

**CHAIR:** The hon. the Member for Burgeo – La Poile.

**MR. A. PARSONS:** Thank you, Mr. Chair.

I understand there were some concerns put forward, as recently as last Thursday, about the same thing, consultation. These would have been sent to people in your department. I am just wondering if those concerns have been responded to. Again, I think the principles of Bill 8 are being supported. I just think these individuals wanted an opportunity to speak with your department prior to this. There is an e-mail here from, I think it is Thursday. I am just wondering if...

**CHAIR:** The hon. the Minister of Health and Community Services.

**MR. DAVIS:** Thank you, Mr. Chair.

As I am sure the hon. member is quite aware, there are a large number of inquiries and e-mails, written letters and documents and so on, inquires that come to the department on a regular basis. My understanding is there was an inquiry on Thursday past. I think by telephone actually, I think there were some phone calls made and there were calls returned. I cannot give you any more specifics on that at the time but I know there was communication.

**CHAIR:** Shall clause 1 carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, clause 1 carried.

**CLERK:** Clauses 2 through 18 inclusive.

**CHAIR:** Shall clauses 2 through 18 inclusive carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, clauses 2 through 18 inclusive carried.

**CLERK:** Be it enacted by the Lieutenant Governor and House of Assembly in Legislative session convened, as follows.

**CHAIR:** Shall the enacting clause carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, enacting clause carried.

**CLERK:** A bill, An Act To Amend Various Acts Of The Province Respecting The Publication Of A Summary Of A Decision Or Order Of An Adjudication Tribunal.

**CHAIR:** Shall the title carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, title carried.

**CHAIR:** Shall I report the bill without amendment?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

Motion, that the Committee report having passed the bill without amendment, carried.

**CHAIR:** We are now debating Bill 4.

A bill, "An Act To Amend The Mental Health Care And Treatment Act". (Bill 4)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, clause 1 carried.

**CLERK:** Be it enacted by the Lieutenant Governor and House of Assembly in Legislative session convened as follows.

**CHAIR:** Shall the enacting clause carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, enacting clause carried.

**CLERK:** I have to go back, I forgot to call clause 2.

Clause 2.

**CHAIR:** Shall clause 2 carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, clause 2 carried.

**CLERK:** A bill, An Act To Amend The Mental Health Care And Treatment Act.

**CHAIR:** Shall the title carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, title carried.

**CHAIR:** Shall I report the bill without amendment?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

Motion, that the Committee report having passed the bill without amendment, carried.

**CHAIR:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Chair.

I move, seconded by the Minister of Advanced Education and Skills, that the Committee rise and report Bills 8 and 4.

**CHAIR:** The motion is that the Committee rise and report Bills 8 and 4 carried without amendment.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

**MR. SPEAKER (Wiseman):** The hon. the Member for the District of Lewisporte.

**MR. VERGE:** Mr. Speaker, the Committee of the Whole considered the matters to them referred and have directed me to report Bills 4 and 8 carried without amendment.

**MR. SPEAKER:** The Chair of Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bills 4 and 8 without amendment.

When shall the report be received?

**MR. KING:** Now.

**MR. SPEAKER:** Now.

When shall the bills be read a third time?

**MR. KING:** Today.

**MR. SPEAKER:** Today.

On motion, report received and adopted. Bill ordered read a third time presently, by leave.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

At this time, I move, seconded by the Minister of Health and Community Services, that Bill 4, An Act To Amend The Mental Health Care And Treatment Act, be now read the third time.

**MR. SPEAKER:** The Mental Health and Treatment Act, Bill 4.

It is moved and seconded that the said bill be now read a third time.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Motion carried.

**CLERK:** A bill, An Act To Amend The Mental Health Care And Treatment Act. (Bill 4)

**MR. SPEAKER:** This bill is now read a third time and it is ordered that the bill do pass and its title be as on the Order Paper.

On motion, a bill, "An Act To Amend The Mental Health Care And Treatment Act", read a third time, ordered passed and its title be as on the Order Paper. (Bill 4)

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

This time I would call from the Order Paper, Order 2, third reading of a bill, An Act To Establish And Implement A Province-Wide 911 Telephone Service For The Reporting Of Emergencies, Bill 14.

**MR. SPEAKER:** It is moved and seconded that the said bill be now read a third time.

Is it the pleasure of the House the motion that Bill 14 be now read a third time?

The hon. the Member for Mount Pearl South.

**MR. LANE:** Thank you, Mr. Speaker.

It certainly is my pleasure to have a few more words on Bill 14, An Act to Establish and Implement a Province-Wide 911 Telephone Service for the Reporting of Emergencies. Mr. Speaker, I want to reiterate a few points that I made when we debated this a few days ago. It might have been only a couple of parliamentary days, but I guess it has been a week or so in terms of real time.

Mr. Speaker, as I indicated when I spoke on this in second reading and Committee, there is nobody on this side of the House of Assembly – certainly nobody in the Official Opposition and I would not imagine there is anybody in the Third Party – who is against the concept of a provincial 911 system. I think we all support that in principal, no doubt about it.

Having the ability for people throughout the Province, whether they be in the City of St. John's, the City of Mount Pearl, or whether they be in Goose Bay, or whether they be in some other rural part of our Province, the Northern Peninsula or Trinity Bay, whatever the case might be, I think it is a very good thing that in the case of an emergency they have the ability to simply dial 911, three simple numbers. In a lot of communities now they do not have that. Of course in that case people would have to remember the seven-digit number for their ambulance service. They would have to remember the seven-digit number for their fire service. They would have to remember the seven-digit number for the police.

Perhaps in non-emergency situations that is fairly simple to do, because obviously you can take the time to look it up in the phone book, or maybe a lot of people have it written down on their fridge. Maybe some people memorize the number, I am sure that happens as well. Certainly in emergency situations when people are in a panic – because perhaps their house could be on fire, perhaps one of their loved ones is having some sort of a medical emergency, perhaps there is somebody trying to break in to

their home, or somebody is getting assaulted or whatever the case might be, and they are in a panic. During those circumstances perhaps it is not quite so easy to remember those particular numbers, a seven-digit number as opposed to simply 911.

Of course then I could see issues perhaps even with young children. It is easier to teach a young child, if you have an emergency, dial 911, as opposed to a young child having to try to remember all these particular seven-digit numbers – three of them. Perhaps even for a senior citizen, it is a lot easier for them at any given time, particularly in emergency, to be able to dial 911, as opposed to having to remember a seven-digit number for the fire department, a seven-digit number for the police department, and a seven-digit number for the ambulance service.

I do not think there is anybody who would argue over here. Our goal should be for everybody in this Province, no matter where they live, to have 911 services available to them. Nobody would argue that. That being said, Mr. Speaker, if we are going to implement a 911 service Province-wide, I think it is important that the infrastructure needs to be in place to accommodate that.

When I say infrastructure in place I think, for one thing, in a lot of rural areas as an example, we do not have cellphone service. A number of my colleagues have brought that up, and I think it is a valid point. No point in having 911 if the cellphone does not work to dial 911. That is piece of infrastructure that should be in place as part of this.

Then of course we get to the issue around civic addressing. It is important, critical actually. If you are going to have a 911 system with a central dispatch – or in this case I think they are proposing two or three, maybe three or four dispatch centres throughout the Province and possibly in Labrador, although I am not sure that it is clear on that but possibly. It probably should be. People would argue there should be for sure.

You are going to have a central dispatch and then you are going to have somebody calling in. They are going to be in a state of panic in a lot

of cases because of that emergency. Really, unless you have the civic numbering in place where the streets are clearly labelled and the numbers are clearly on the homes, whether it be directly on the house as you would see here in the urban areas, or whether there has to be a system I would suggest in some of the rural areas. You have all these long laneways and configurations that perhaps are going to need some kind of a permanent post or something that is going to have to be put in the ground or whatever with a number on that at the end of the driveway. Of course that has to be done properly because it has to be able to withstand the elements, snow, snow clearing and all those types of things.

You need to have all that infrastructure in place as well. If you do not have it in place, at least right now when someone calls their local ambulance, generally speaking – and I understand not necessarily in every case, but I would suggest generally speaking – because they are connected to people in their community, an individual can call up that local person and the minute they pick up the phone, they probably know each other or know of the circumstance. They can quite simply say to the guy on the other end of the phone or the girl on the other end of the phone, give them their name and tell them what is going on. That person knows exactly who they are talking to and exactly where to respond. Or they can certainly get there with very quick directions to non-civic number addresses by saying it is up at the end of such and such a lane, and the third red house up behind the barn or whatever the case might be. They know where that is.

Right now going through a central dispatch centre where that individual answering the phone does not know that person, that person is in a panic and there is no civic addressing in place. Now they have to try to figure out – again remembering this person's panic – who this person is and where they are calling from. They have to try to figure out who to transfer that call to, the local person. I can see that actually causing a delay and making it longer than what it is now. I can see that being worse until we have civic addressing and until we have the enhanced 911 and so on. Once all that is in place, that will be great; but, until that point, what we are proposing here, I say, I can see how

it would actually make their situation, perhaps, even worse and a slower response.

When we are talking about these types of emergencies, a second could be somebody's life when we are talking about a medical emergency, and a few seconds could be the difference, for example, in a fire, between the fire department being able to get there and save the home versus the home burning to the ground, because of the timing.

I do have concerns about that and I want to make sure I get them out there for the record. Again, bearing in mind that the overall concept of 911, I totally support 100 per cent. As I indicated before, a number of years ago I worked at 911. I was the person taking that call, so I know of which I speak in terms of panic calls and all the issues around it.

Another issue that I have with this is the cost. Right now, based on the information that has been provided, it is going to cost \$2.3 million annually. Once this service is implemented, this basic 911, \$2.3 million annually will be the cost to run it. Yet, we are going to collect anywhere from \$5.4 million to \$7.2 million in revenue. I think the minister indicated that it would be probably three years anyway until we get to the next step. That means we are collecting revenues of upwards of \$20 million in revenue, but we are only going to have \$2.3 million a year. There is going to be a significant pot of money there that we are all going to pay on all of our phone bills. That is our landlines plus our cellphones and so on.

Again, just based on the people which I represent – I am not saying that it is a good thing or a bad thing, per se; all I am saying is I am just raising the issue that certainly in this area we already have 911. We call 911, we get the response now, and we are paying for it through municipal taxes. Yes, I know that the minister or whoever could say Eastern Health pays into it because they are provided with a service. The RNC or whatever through the Department of Justice pays so much for the service because when you call 911 here, it originally goes to the fire department and gets transferred to them.

The bottom line is regardless of who has been paying what, we have been receiving this service



for many, many years. All we have been paying with is through our municipal taxes. Now, we are still going to pay our municipal taxes, but we are going to get this charge that we did not have before. That will be an issue for some people.

Some people might say personally for the sake of \$1 on the phone or whatever so that everybody gets the service, I do not have an issue with it. I am just saying that there will be, without doubt, some people who will and I have heard from some of those people. I just want to get it out there.

The other issue, Mr. Speaker, that I really have some concern with as well – all of us would know here in the House of Assembly that generally the way it goes, even including perhaps government members in a lot of cases, you get a bill, in this particular case we were notified in the morning, 9:00 or whatever it was, that Bill 14 is going to be brought forth to the House of Assembly. Then we were told that we can provide you with a briefing at, I do not know, 10:00 a.m. or 10:30 a.m. or whatever it was. That is the normal course. That is not abnormal, I suppose.

The point is that this is a very substantive bill. There are all kinds of implications around this particular bill. There are huge amounts of money associated to this particular bill, yet we were notified at 9:00 a.m., briefing at 10:00 a.m. if you can make it, and some of us could not because it is not like you are given advance notice and you have meetings and other things you have to do. It comes in the House at 1:30 p.m., and then it goes right on through.

The department and the people who crafted this had all kinds of time to develop this plan and this legislation. I think the minister said they have been working on it for maybe a couple of years. I stand to be corrected on how long, but I know they have been working on it for quite some time. They have talking about it for a real long time. Yet, a piece of legislation that is this substantial, that has such huge implications in terms of how it is done and so on, huge dollar amounts attached to it, emergency service, and it just gets pushed on through, right on through second reading, Committee of the Whole, day one, with no real time for us to really digest

what is here and do research and whatever. Now we find ourselves here.

So, again, I just put it out there – and again, there will be people who would say you are speaking against 911. Again, for the record, we are not speaking against 911; we are not speaking against provincial 911. We want to see it and want to see it done properly. That is the key. We want to see it done properly. We do not want to see it rushed through. We want to make sure that we have thought through all of the implications. We want to make sure that people are going to receive the service that they deserve to receive. We want to make sure everyone receives the service and we also want to make sure that there is no gouging, in terms of the monies collected. We do not want it to be a gouge. I think everybody would agree as well, that in terms of the cost to administer this and so on, we want it to be seen as being shared properly and appropriately.

I am not 100 per cent certain, based on what I am seeing here, and some of the feedback we have gotten, that that is necessarily the case. There is a lot of unanswered questions; there is a lot of discretion by the authority that would be set up. I know the minister says that all of the money that goes in this fund must go towards the aims and objectives of the 911 system.

That is fine, I do not think we would argue that, but certainly we also need to make sure – for example, I believe the Member for Virginia Waters – I stand to be corrected – raised the issue that in other jurisdictions, for example, when it comes to civic numbering, that the individual is responsible for their own civic numbering, which would make sense that they would be responsible for their own civic numbering. So, no different than I have my home, and I have a number on my house. I had to buy that number and put the number on my own house and pay for it myself. We have a street sign that was put up by the city and my taxes paid for that street sign. It is fair game.

Is that going to be the same everywhere? Do we have unincorporated local service areas, for argument's sake, that do not fall under the Municipalities Act? I did hear the minister talk about the Municipalities Act. He talked about how they may force it and there may be levies

and so on. That was the Municipalities Act which does not apply to Local Service Districts.

Is there an expectation? I am not saying there is or there is not, but it is not clear. I am asking the question, is there an expectation? I paid for the number to go on my house, my taxes paid for the sign to go on my street, but now the aims and objectives of this is going to be that fund that I am paying on my phone bill is going to pay for someone else's sign on their unincorporated area and I am going to pay for the numbers on their house. We are going to put a post at the end of their driveway and this fund is going to subsidize it. I am not saying that is going to happen, but I am not clear. These are questions I would like to have answered. These are questions that we need to have answered.

It certainly would not be fair and equitable for people to be paying on their phones, paying into a fund, and if the fund is being used for something like the dispatch centres, the equipment and all that kind of stuff required, that we all use and benefit from, sure. Are we going to pay for someone to put a number on their house? Instead of them paying for their own number, we are going to all pay for that? These are questions which are not clear here.

When you talk about things in a general sense in terms of the funds go towards the aims and objectives of 911, that is a very open-ended statement. That would be another question some people I have spoken to have asked. I think that is a legitimate question.

Mr. Speaker, I will conclude with this because I am running out of time. I will conclude by saying and reiterating the point I made to begin with, that I support a provincial 911 system but I do want to make sure it is done properly, with all the proper infrastructure in place that everybody can avail of. It is a safety issue, so it has to be done right. I also think it is important that we ensure the costs associated to it are distributed in an equitable manner and that everybody is paying their fair share for it. That is the main points I wanted to make.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER (Littlejohn):** The hon. the Minister of Health and Community Services.

**SOME HON. MEMBERS:** Hear, hear!

**MR. DAVIS:** Thank you, Mr. Speaker.

I thank you for the opportunity to rise in third reading this afternoon on Bill 14, An Act to Establish and Implement a Province-Wide 911 Telephone Service for the Reporting of Emergencies.

Mr. Speaker, it is good to have the opportunity to get up and to enter into this bill this afternoon, have a discussion about it. As many people are aware, I spent a good part of my adult life, twenty-five years as a police officer working for an emergency response organization. I have responded to one or two 911 calls, I can tell you, in my twenty-five years of policing.

Not only that, I know the Member for Mount Pearl South talked about, the last time he was up I think in second reading, his own experience as a 911 operator. Well, I also have experience as a 911 operator while I worked in Corner Brook.

As a matter of fact, Mr. Speaker, while I was stationed on the West Coast I served the people of Newfoundland and Labrador for five years when I was stationed in Corner Brook back in the 1980s. I was there when we had built – there was a new police station that had been built, built by a PC government I might add, and built for Corner Brook. It was built out there, it was opened, and there was a new 911 service that was installed there. There was a predecessor to that but then there was a newer one and it was upgraded to the basic service, what we now know as the basic service.

The basic service was you pick up your phone, you call 911, and someone on the other end of the phone would answer. It serviced the whole Western region of the Island portion of the Province, Corner Brook and Stephenville areas and beyond. Many times I received phone calls and was a call taker for calls for people who had all varieties of emergencies, from what you would expect to receive from police, fire, ambulance emergencies and also calls from people who had accidents in remote areas, in wooded areas.

Someone would have to come out from their cabin – because you have to remember, back in 1987 cellphones were essentially unheard of. Cellphones were not available. They were not utilized. If people were in a cabin somewhere and they had a medical emergency, for example, they had to come out to find a telephone. They would call 911 and through talking to people they would have to give directions and a response would have to be organized.

That was a very basic service, Mr. Speaker. I have to tell you that as I listened to debate on this bill and reviewed the bill, I thought about circumstances especially back in the 1980s – 1987, 1988, 1989, 1990, 1991, 1992, when I returned back to the East Coast of the Island, but there were many times we were working with people who contacted us through the Basic 911 system who had an emergency.

One of the very significant benefits of it was, if someone was driving through and they stopped by a pay phone – there were a lot of pay phones around back in those days on the highways and communities, not so much anymore since cellphones became available, but there were back then. Someone would pop into a corner store or a gas station, service station and say: I need to call for medical help, for fire help, for police help, or whatever the case may be. They would pick up the phone and call 911 and say: Here is my circumstance, what do I need?

The 911 operator would have all of those resources available to them, because the 911 call-taker and operator would know the area. They would know the ambulance service to contact. They would know the hospital to contact, the police service that would be needed or the fire service that would be needed. They could readily have those numbers and contact information available to them and make those calls and co-ordinate a response. It was very beneficial. Back in those days we could only dream of going to an Enhanced service. Now what is available, of course, is the Next Generation service.

I listened to the member opposite, I think this afternoon he mentioned that he never had any time to get ready for debate. I have to say, Mr. Speaker, one of the things the Opposition always want to do is they want to become the

government. I do not know what he would do if he was over on this side of the House or if he ever became part of government, because the bill was online for a full week before it came to the House for second reading, yet he still did not have time to review the bill.

**MR. KENT:** How long?

**MR. DAVIS:** A full week.

**MR. KENT:** It was online for a full week?

**MR. DAVIS:** It was online for a full week and he never had time to review the bill to prepare to come to the House in a week.

I notice he has been in the House before talking about patrolling private business parking lots to ensure they are in keeping with the blue zone regulations, and that is fine if he wants to do that. I do not know how many complaints he has ever made about a specific to go and say: Well, I found a business that is not in compliance with the law. He did have time to go look at them, but he has not had time to go online and look at a bill and prepare to come to the House of Assembly to debate a bill.

Anyway, I did listen to him. I did listen to his comments. It is very important, I say to the Member for Mount Pearl South, when you talk about 911 services.

Back in those days, and today – you have to start somewhere in a service. The member opposite, I know the last time he was up in second reading he talked about the Northeast Avalon. He talked about the Northeast Avalon should have Next Generation, which is the highest level of service.

For the people at home, there is a Basic 911 service. You can pick up the phone and dial 911, someone answers the phone and you go from there. There is an Enhanced service which assists in identifying the geographic location of the origin of the call. Now there is Next Generation becoming available which allows for texting. It allows for GPS adaptability, photo sharing and so on.

Last week the Member of Mount Pearl South talked about how the Northeast Avalon region should get Next Generation before anyone else

gets anything. Right now, the Northeast Avalon has a Basic service. There is a Basic service in Corner Brook. There is also a Basic service in Labrador West. His point in debate the last time was that the Northeast Avalon should get Next Generation before anyone gets anything else. He has changed a little bit today.

**AN HON. MEMBER:** What?

**MR. DAVIS:** Yes, he changed a little bit today, he did. He said that nothing else should be done until there is universal cell service available. No one should get 911 now. No one else should get 911. So he is changing his view point. Maybe he got a little bit of heat from some of the rural members of his caucus over there because I can tell you over on this side of the House we represent all people in Newfoundland and Labrador, not just the people on the Northeast Avalon. We represent people throughout Newfoundland and Labrador and we see the value in providing 911 services to other regions of the Province. I think it is important that we do that.

The member has changed his tune a little bit from second reading to now, but he is still making his points that the Northeast Avalon should have Next Generation before anyone else gets anything. Today, he is saying there should be universal cell coverage before there is any other work done on 911. So he has changed his tune a little bit. Maybe he can explain that himself.

I want to refer to civic addressing. I know the Member for Mount Pearl South lives in a planned community. I represent part of Mount Pearl myself. My district, the Topsail district takes in some of Mount Pearl. Mount Pearl was a planned community. It is not like a community, as an example, of Conception Bay South, which I also represent. Part of my district also is in Conception Bay South.

Conception Bay South was an historic community that evolved over generations. It was a farming community. It was a fishing community. I know the Member for Conception Bay South can talk at length about the history of the Town of Conception Bay South.

It was formerly nine towns. In the 1970s it began a process of coming together to form one larger regional municipality now called Conception Bay South. It used to be Topsail, Chamberlains, Manuels, Long Pond, Kelligrews, Upper Gullies, Lawrence Pond, and Seal Cove. Did I miss one? Foxtrap is the other one. Foxtrap, I think, was the last one that came on. They came together.

I was a member of the Conception Bay South council from 2001 to 2010.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. DAVIS:** Back in the late 1990s, the 2000 era, Conception Bay South wanted to become part of that 911 system. One of the issues they had was they had to look after civic addressing.

The history of Conception Bay South is that – much unlike Mount Pearl, where the Member for Mount Pearl South is from – there were driveways with two or three houses on them that had no street name. You can say: Oh, I live behind so-and-so. My house is the second one on the left behind so-and-so's house which is on the Conception Bay Highway, as an example, or my house is the third driveway up on Fowlers Road, second house behind – there was a lot of that type of thing that happened.

The Town of Conception Bay South went through a very difficult, time consuming process to carry out civic addressing. It was not a matter for a homeowner to simply put a number on their house – as the Member for Mount Pearl South would simplify and say: Boy, you just have to go out and put an address on your house. It is not that simple, because having nine communities become one town, there were challenges of having duplicate street names. There were names in one of those nine communities, and also there was another community that had a similar street name. So they went through that process, Conception Bay South did.

Also, there are streets in Conception Bay South that share names with other communities in the Northeast Avalon who share that 911 catchment area; that 911 system in the Northeast Avalon.

There was work that had to be done to clarify: What Water Street are you referring to? What street is it you are referring to that has a duplicate name in another municipality that is provided by the same service?

The Town of Conception Bay South went through a significant process, a very intensive process. They had to catalogue all of the homes, streets and so on. At the time, digital mapping was in its infancy and hardly heard of. Conception Bay South has a very good digital map on their Web site right now where you can look at houses, you can look at amenities, utilities and so on, right on their own map, but back in those days they never had that. They had to go through the town and identify homes and property owners and then determine what the address would be. It caused a little bit of a stir from residents who used to live on a particular street. If someone lived on a street, and they said: Well, I live on that street. The town came in and said: Well, because there are four houses on your driveway, we are going to now name that driveway as a private road. That was the decision the town council took back in 1999-2000. We are going name a driveway now as a private road and we are going to number those houses on that private road.

There was a fair bit of discussion. I can tell you, people who owned those properties for years and years and years, if they had a property on – I will use Fowlers Road again as an example. Fowlers Road is fairly well known and a very busy street, roadway, in Conception Bay South. So, if I lived at the third house past so-and-so, you are no longer going to be Fowlers Road; we are going to call you something else. There was a lot of opposition to that at the time and there was a lot of emotion about that. It was a difficult time for people to do it, but it was a process that had to be done in the best interest of 911. You now know, back in those days, if you were in the east end of CBS or the west end of CBS there were two different fire halls. Which one would you call and so on? If you needed an ambulance who would you call?

Now, it is very simple, everyone has the option if you travel through Conception Bay South, through Paradise, anywhere in St. John's, down in Cape St. Francis area, down through Pouch Cove, Torbay, Bauline, Logy Bay-Middle Cove-

Outer Cove, and if there is a need for an emergency you do not need to carry a book with you to determine what phone number I call while I am in this community. That is even more so important now with the advancements of cellphone technology and the frequency.

Most families have a cellphone. Some families have many cellphones. Some people like the Minister of Municipal Affairs have many cellphones himself, but people have different cellphones. Even more important now, if you come across an emergency, an incident, somewhere where you need immediate police response, medical assistance, fire response or otherwise, then you do not have to be looking for numbers, you simply call 911.

You know 911 is so universally available throughout North America, through Canada, and the United States. It is so universally acceptable it is known by visitors and travellers alike. For anyone to suggest that going towards a 911 system is not the right way to go, I really have trouble with that. As a long time person who worked in emergency response, I can tell you anyone who suggested something like that is – I cannot understand why he would do such a thing.

Mr. Speaker, right now there are 911 services on the Northeast Avalon, Corner Brook area and also Labrador West. I understand about 40 per cent of the population is now covered, but under the current taxation system it is really all the people of the Province who are paying for 911 services. Really all of the people of the Province should do that and should have that service available.

We recognize there is not cellphone service available everywhere in the Province. That is not unique to Newfoundland and Labrador, I say to this hon. House, Mr. Speaker. It is not unique to our Province. I think somewhere along the way we may have forgotten that.

I do not know if there is anywhere, any province in Canada that has cellphone service available anywhere. I have travelled to Nova Scotia many times. Last summer I was travelling through Nova Scotia and I was travelling through a fairly well-populated area. I can tell you the cellphone coverage was hit and miss at best. If you needed

to use your cellphone, which I did at the time, I really had to wait to find an area where there was a signal so that I could utilize it. We took the southern shore route from Halifax to go to Cape Breton, and there were numerous places throughout that drive – a beautiful drive I may say, but numerous places along that area where there was no cellphone coverage. That is just the way it is.

Cellphone coverage is growing all the time. The Province is making significant investments to extend cellphone coverage. Members opposite regularly get up and say I want it too, I want my area to have it too, and we respect that. We respect that people want to have better ability for communications and opportunities for communications. We are continuing to make those investments, and we are continuing to grow cellphone coverage throughout the Province.

If we build now the 911 system, even at the very basic level, we are starting to build a system that will benefit people as they receive cellphone services and as those services become available. As we build together and work together on a project, and continue to do work on civic addressing, which is a tremendous amount of work and effort – the Minister of Municipal Affairs is very well aware of this. He and I have discussed it. There is a tremendous amount of work and effort for communities, especially smaller communities that do not have the staffing capacity to develop their civic addressing. It is going to be a big piece of work to do.

Instead of waiting for all that to happen, let us start with the basic service. The basic service – I know the people in Corner Brook for many years and I have experienced that and I talked about that earlier, Mr. Speaker – has provided a good benefit and a good service to people. Undoubtedly it has saved lives in Newfoundland and Labrador. We need to work together to advance the 911 system. That is what this is about.

Mr. Speaker, some people come to this House of Assembly and they rise in their place and they have the viewpoint that everyone should get everything without any cost to anyone. That is

the way I quite often look at it. Everyone should get everything without any cost to anyone.

Mr. Speaker, that simply cannot happen. What has been proposed here is a cost-recovery model. That is not a revenue generating model. It is not a taxation generator, it is a cost recovery. That means the cost to develop, expand, and operate the 911 service will be recovered by those who avail of the service, who have access to the service. The way to do that – and it is a very sound way to do that as far as I am concerned. How you decide who is going to use it and who is going to take advantage of it are the people who have telephones, telephone services, and accesses to it.

There is a cost involved with this. It has to be borne; it has to be paid for by some type of method. What is proposed here is a cost-recovery method, not a revenue generator as some would have you believe..

The first step is the Basic service and to make that available broadly throughout the Province. There are some areas, we know, that are going to take some time to be able to be addressed through the 911 needs. The next one would be Enhanced which has that ability to identify locations much quicker, but we want to work towards Next Generation. Next Generation is the current best technology for 911 that is available. We do not live in a community that is planned similar to what Mount Pearl is. I am not knocking Mount Pearl. Mount Pearl is a fine, fine community, it is a fine city, but we do not have a Province that is designed like Mount Pearl.

Corner Brook was a planned town in the earlier days when it became the mill town that it became and is, and continues to be today. Not everywhere in the Province is like that. It became, I am going to build house in my grandfather's garden, and I will extend my driveway to my grandfather's house. Quite often that is how the Province grew and became what it is today.

The Next Generation service, which is the best of technology available today, provides opportunity for texting, photo sharing, and GPS availability as well. It is the best technology available. That is what we should strive for.

Before we can get there, Mr. Speaker, before we go run a marathon or run a sprint, we need to be able to walk. The walk, from my viewpoint, is the Basic service. We should make it available to as many people as we can.

Mr. Speaker, this is a good bill. This is a good piece of legislation. This is a good project for Newfoundlanders and Labradorians. I have no hesitation in supporting it.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's East.

**MR. MURPHY:** Thank you very much, Mr. Speaker.

I take pleasure in rising to talk about Bill 14 here this evening. Our party supports the whole concept of 911, but we still have questions. I want to thank the staff of Municipal Affairs and Fire and Emergency Services for the briefing that they gave us.

Of course we had a lot of prep time ourselves on this. We had a nice little file generated on this long before it happened. We knew that it was coming so it gave us a lot of time to do some research on this. Essentially we were fully prepared for this one.

Like I said, when it comes to the logistics of this, I do know a little bit about logistics so I guess that was a bit of help for me. I have done a lot of volunteer work with the Royal Newfoundland Constabulary and various other groups, so I knew a little bit about communications and logistics on their end and exactly what they had dealt with. I have done some work with Fire and Emergency Services over the years, in particular the old Emergency Measures Organization years ago, and some of the great leadership that we had in this Province when it came to handling emergency services in this Province. For example, Fred Hollett is a man that I remember from days ago, that I can think of that I used to work with on various projects, albeit not a lot of projects. I did not have to; the Province was in great hands and remains so.

There are a couple of things that I have to note, I guess, when it comes to 911 and its implementation. We know that, for example, there are going to be challenges out there. One of the challenges that we talked about was when it came to the whole essence of the primary safety answering points. One of the questions that I brought up to government on this, and I still have to ask questions on it, is the whole aspect of having only two call centres in this Province.

I bring up this as a very serious point. I think that the Minister of Health brought up the issue too. I think he touched on it, not quite though, but I wanted to bring up the issue of local knowledge when it comes to 911 because that was one of the things that I talked about earlier in the debate on this and the whole numbering system that we were talking about and the challenge for municipalities.

We know that municipalities can meet the challenge, but we have to adapt to not only the changing times, but we also have to meet what our past was. The Minister of Health, to his credit mentioned this, that essentially what we have is old times blending with new times and the simple fact that people built their houses pretty much in their ancestor's backyards, if you will. So we do not have a distinct numbering system, even though you know where John Doe, for example, may live in the community of Hant's Harbour.

So there is the challenge that you have. When you had everybody centring homes, for example, on the waterfront area and we did not have civic numbering. So enter into the modern times, of course, with the advent of telephones and the mail system, if you will, and growing communities too and that is what has changed things.

We do recognize that Newfoundland and Labrador does have its unique challenges and it is going to take some time to work in, but that is not to say that some areas, for example, cannot be advanced to a particular type of 911 system more so than other areas of the Province. They can be the work in progress, if you will.

So I think of St. John's and Mount Pearl, for example, and keep in mind they still do have

their challenges. I have already talked about, for example, the challenge within St. John's, readily apparent, of course, me working in the taxi industry and being a dispatcher back then, running into various streets, for example, that had similar names, McGrath Place up off Fox Avenue, Higgins Line area. There was a McGrath Place out in Mount Pearl as well and a McGrath Place west is out in the Goulds. So St. John's, essentially, you do have these fine little mixes of different streets too at the same time.

Again, to centre on what the Minister of Health was saying, he is exactly right, that these challenges are out there and they have to be overcome. I can see where government, for some time, may be stuck in the Basic 911 system mode and until we actually perfect the numbering of houses, we may be there for a very long time before we get the Basic.

What government is going to have to do is get out and look for the local knowledge of people, for example, who are going to picking up that phone and answering 911, or the people who are going to be taking the phone calls after they are dispatched from the 911 centre who are going to know distinctly about these differences in the streets and civic numbering, that sort of thing.

He is exactly right on that and I can see where government is going to have challenge on that. The one big challenge that I am going to be looking out for and that I think government has the centre on – you are looking at a much smaller area, for example, when you are talking about a municipality versus what you are talking about when you are talking about the public safety answering points. I think that Labrador needs to have a dedicated public safety answering point up there and centered, I guess, where it is already to now, for example, when it comes to Labrador City because of those important components: local knowledge, number one; we have language that we have to deal with; and we have different cultures that we have to deal with. I think that is an important point for government to remember.

I would like to see a minimum of three, St. John's, Corner Brook, and Lab City; again, not for Corner Brook to be answering the calls from Labrador, but for Labrador to be answering the calls for Labrador. We know that we have seen

those cases in search and rescue too. We know that those are important points that government is trying to stick to, for example, when it comes to search and rescue and the call center over on the Southside, the Marine Rescue Sub-Centre at the time. That was one of the issues that we had, was those issues dealing with what comes with local culture. Again, like I said, I think that is still an important factor that we have to remember when we are talking about 911.

When it comes to the investment, again, one of the things that government mentioned and I have been talking about already is the case of civic numbering. This is not a small chore by any stretch of the imagination. For those reasons that the Minister of Health already mentioned too, the challenges of the old facing the challenges of the new. That is not to say that we are not going to have those issues in the future.

We also have that problem of local service districts and how do we answer the challenge of numbering, for example, in local service districts. It is no different than some of the older municipalities in the Province.

The question of the board, the number of people to be running the 911 system, government mentions a nine-person board. I still have questions as regards the number of people who are going to be on the board because it sounds like an awful lot. We are talking about a logistical issue here that, as far as I am concerned, I think it can be done through another means, probably with the appointment of one or two more people to it and keep it not so top heavy; and that would be to use some of the present boards, for example, that exist now within Fire and Emergency Services or as what was once known as the EMO. Those are possibilities.

I would like government to really look at the structure of what they are going to be putting in here. The best way, as far as I am concerned, is for the logistics to be handled by some of the people who are handling the logistics of emergency services right now, and those would be those particular groups. I would like government to consider that.

Mr. Speaker, I did not want to stand up here on my feet too long to talk about this because I did



not want to belabour some of the points that some of the other Members of the House of Assembly were already asking, but I think that this one is kind of an important one. I have two more points.

The first is about cellular coverage in this Province. We have to find a way as a Province, as government members, as Third Party members or as members of the Official Opposition, to come out with a plan for the people of the Province of Newfoundland and Labrador, work with our service providers that are there presently and ensure, number one, that they are going to be making the strategic investments so that we are going to have cellular service all over this Province. I think that somebody who has a cellphone in the Province now who lives in a remote area may appreciate the fact of how their signals drop out. We need to ensure that they are also going to have a voice in the development of any cellular service in this Province. That would be one issue.

How do you deal with that? Well if companies right now are saying that there is an issue with regard to the dollar infrastructure that they are going to have to invest, the other answer could possibly be – and I am not saying this as a stand from our party but it is something for government to think about: is to ask the question of a cellphone owner right now that if they wanted to ensure that they were going to have unlimited access to any part of a network from any part of the Province in Newfoundland and Labrador that if the option was there for them to invest in that infrastructure so they would be guaranteed that service if they would pay for it, the possibility is there, Mr. Speaker, that Newfoundlanders and Labradorians would meet the challenge of paying for that if they knew that they could pick up that phone anywhere within this Province and be guaranteed coverage. I will leave that with you.

The last point I want to make, and this is probably for the Minister of Intergovernmental Affairs to bring to his provincial counterparts in this country and it comes from the whole issue of the CRTC for short, the Canadian Radio-television and Telecommunications Commission. They recognized in a report – the gentlemen's name is Timothy Denton, he is a former Commissioner for the CRTC – that they

did a few years ago there is an issue country-wide with 911. There is no coordination and this sounds really strange. I thought the CRTC would be the ones to control this considering it is dealing with emergency-type natured phone calls and everything. If they still had any kind of sense of responsibility, this would be one, that the CRTC would coordinate the building up of the 911 system in this country.

It is probably one of this country's greatest faults that we do not have a perfect system in this country right now or a plan by this country to grow the 911 system, particularly in this day and age where we face any number of challenges be it from weather challenges and climate change. We know there is probably going to be a heavier use when it comes to the 911 system or even in other things, for example, dare I say it, terrorism. If terrorism ever happened, we know that we would have to have the system that we would need.

We already depend on people to respond to the calls. We already depend on people to be as careful as they can so they do not have to use 911. In the event that they do, hopefully, this is a path government has charted that will bring us to a fruitful conclusion in the hope they would be doing the right thing and that we would be able to be secure. That is what is all about here, I think, when it comes to developing 911, is keeping your family secure and keeping the ones you love secure.

Mr. Speaker, I will not belabour the point anymore. We do support this motion. When it comes to 911, those people who are going to be working on it, we know that it is going to be a hard uphill charge to get it done. We know the people of Newfoundland and Labrador have been waiting for this for a long time. We know municipalities are backing it 100 per cent. They have been looking at it for a long time and have wanted it for a long time. It is about time it happened.

Thank you very much, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Virginia Waters.

**MS C. BENNETT:** Thank you, Mr. Speaker.

I am honoured to rise in this House today to speak to Bill 14, An Act to Establish and Implement a Province-Wide 911 Telephone Service for the Reporting of Emergencies.

I do want to take a moment to thank the minister for his availability over the last number of days in answering questions that I had posed to him regarding some of the issues that came out of our discussions last week. I wanted to say thank you for that. He was certainly very responsive in the questions.

The other point I would like to make now, last week in the discussions the minister offered to accept a list of suggested names for consideration on the not-for-profit entity that will be established as part of this legislation, assuming the legislation passes, which I believe it will. From my perspective, this legislation really is about fairness and about fairness to every single person regardless of whether you live in Labrador, whether you live on the West Coast, whether you live on the East Coast, whether you live in Central Newfoundland, on the coast. It is about providing a service that everybody is entitled to receive fairly.

Going back to the point about the names for the board, I will certainly let the minister know that we will have a list of names for him by Friday for his consideration as he moves forward, when we get to the point where the bill passes. Having said that, last week the minister referred several times to the POMAX report and I have had the chance since last week to go through the report in great detail. I am certainly going to refer to that report as I provide my comments today.

One of the concerns I raised last week when I spoke to this bill was the need to educate people on what the service quality and what the actual service is going to provide. The Member for St. John's East made reference to the CRTC's report on 911 service in Canada. I would just like to share a media report around the CRTC's report, "Canadians mistakenly believe that emergency responders can monitor social media sites or are always provided a precise location of a mobile phone call. In many instances, when a location is provided, it can be an approximation

to the closest cellphone tower. 'Simply put, if they do not know where you are, they do not know where to send help,' said the report. 'Inaccurate information arising from cell towers is also a significant problem in determining where callers are.'"

As part of this debate there has certainly been reference to cellphone coverage throughout the Province. I would ask the minister, as he provides some final commentary to close debate, if he could provide his government's position on the federal government's policy and regulations regarding US companies entering the Canadian marketplace, and how that impacts the big three's ability to actually implement cellphone coverage in our Province. I look forward to hearing his comments on that.

In addition to the CRTC report that was referenced earlier this evening in the debate, I just want to read a section from it, "Improved governance is the key to getting better results. Only when the appropriate institutional relationships are established can we start to solve some of the technical and performance issues in 9-1-1 service delivery, and in related areas. These issues cannot be solved unless we notice them. They will not be noticed until we measure them, and they will not be measured until we have decisions about who measures what, and which institutions carry out these measurements".

The report goes on to say, "Given that there is an oncoming tsunami of technical change, as we migrate to all-Internet protocol (IP) communications systems, these somewhat haphazard arrangements will be extremely stressed. The change in communications technologies is completely foreseeable; it is happening now. Unfortunately, there does not exist a policy forum adequate to the task of coordinating and anticipating the changes that are coming."

Not only did the CRTC report indicate the complexity of technology evolutions, a blue-ribbon report in the US also spoke about the technology changes and indicated that technology and advancing technology in the area of 911 service will continue to stress and challenge the process improvements that are intended to help serve the citizens of a

jurisdiction. One of the things the POMAX report says clearly is, “Of the 2,000 citizens involved in a survey, 98% of respondents had knowledge of 9-1-1, and 76% believed the PSAP would know where they are calling from. Another 73% said they believed that 9-1-1 technologies had the ability to find them if they could not speak.”

When we speak about educating the end-user, while it is important that every single person in the Province has similar services that are provided equally and fairly, there is also a responsibility not only to manage expectations but clearly not over promise and under deliver. In this case, the Member for Topsail talked about the three phases of technology. He talked about Basic service, the Enhanced service and Next Generation.

One of the great things about being an MHA and certainly looking at the competencies many of us bring to the table, is that everybody has a unique perspective. Those who have served, as the Member for Topsail has, in the interest of public safety and public security, certainly is a valuable insight when we are having a debate like this, but so too are those individuals who have experience with technology and change management.

I guess my question to the minister as we continue this debate is – if I understand correctly, under the area of the Basic 911 service, Newfoundland and Labrador really is what is defined as a late adopter. Meaning we are at the far end of the spectrum when it comes to adopting technology. This plan, and the bill we are approving, is a promise to move directly to Next Generation which will in essence make Newfoundland and Labrador an early adopter.

As I am sure the minister is aware, and members of this House would be aware, Mr. Speaker, adoption rates for technology actually affect the cost of technology. So, too, does transitioning from legacy technology at a time when you are trying to move progressively to early adoption status on technology. Those are the things and those are the challenges this not-for-profit board are going to have to face.

As the Member for Topsail mentioned, digital mapping was a technology that has evolved. He

referenced a community in his own district. The evolution of technology, there are issues around implementation of technology that are often cost-prohibitive if you adopt the technology too early. Universally accepted, however, does not necessarily mean the technology is universally available.

It was mentioned earlier today about the civic addresses. While I certainly have a tremendous of empathy, and it is a huge problem we are going to have to solve as a Province in making sure that every address is clearly identified, the reality is that several other provinces also face this challenge. They would include PEI, New Brunswick and Nova Scotia who all have communities and rural areas that are very similar, maybe not geographically but certainly structurally to some of the areas we have, and the issues around civic addresses are important.

I read from New Brunswick’s act: Every owner of a resident or a business in the province must display their civic address number in a way that is clearly visible from the main roadway leading to a home or business. A civic address is the number, the street, or road name, the community name assigned to a residential, commercial institution or industrial buildings. It goes on to say that if you are unable to get a number from your local municipality or Local Service District, you can contact the 911 Bureau in New Brunswick to get your civic number.

I would assume, and I would ask this question to the minister: Is that going to be a responsibility of this not-for-profit organization? That they will be responsible for supporting the address labelling and the marking of addresses as part of the implementation of this bill?

Managing the expectations of the people who are calling; the POMAX report, which the minister has referenced that we are all familiar with, says that studying public expectations, “if the province decides to move ahead with a wider implementation of 9-1-1, extensive public education and expectation management must take place before a 9-1-1 system is expanded, and education must continue after implementation.” I am confused as to how the education is going to happen in advance of the implementation, but I am sure the minister will be able to answer that question as well.

The question of the collection of the money off the phone bills, or in essence the fee for service, from what I understand, what we are talking about is between \$5 million and \$7 million a year depending on what the flat fee will be on a particular phone. Over the three-year period of the rollout to Next Generation we would garner somewhere between \$15 million and \$21 million.

From what I understand, annual operating costs are somewhere in the vicinity of \$5 million and the technology costs – and I cannot have this right, I am sure the minister will correct me on this – are \$1.5 million, which I am sure is an error and I look forward to him correcting me on that. The issue with the funding is that the requirements, as the minister has recognized, to have individuals on the board who not only have expertise in the very important service around providing 911 service, but also equally have experience in financial management and technology rollout will also serve to ensure that this tax people are paying will be stewarded in the best interest of the people of the Province.

As I mentioned earlier, our 911 service and the address issue is very similar to three other provinces. Yet, in Newfoundland and Labrador, government has opted to take a different approach from the approaches that New Brunswick, Nova Scotia, and PEI have in how they actually manage. In New Brunswick, the 911 centres are operated directly by the province through the NB 911 Bureau, and those report directly into government. In Nova Scotia, the 911 emergency services are administered by the Emergency Management Offices or EMO, which is a division of the Department of Justice. In PEI, the 911 administration office is part of the Department of Justice and Public Safety.

The minister and I did speak about the reasons why his government has opted to have a different approach. I guess my question was I could not find another jurisdiction that had opted for a not-for-profit entity set up. I am sure he will be able to provide me with that information today as well.

The issues around governance that the CRT has recognized, and the Blue Ribbon panel in the US has recognized, as well as the POMAX report, all speak to the importance of making sure that

work plans and technology decisions are made in a way that are best for the long term. What I did find interesting when I finished reading the POMAX report – and the minister actually pointed this page out to me, page 55 – was that conclusion and recommendation 7, “Readers might surmise, based on the content of this report, that the province could quickly expand the existing 9-1-1 system to other areas of the province and then proceed with the implementation of Enhanced 9-1-1. From a purely technical perspective that is possible; but from the perspective of best practice, project management, and optimal delivery of 9-1-1 to the public, that would be an erroneous method of proceeding.”

“Instead, the province’s next step – if it proceeds with expanded 9-1-1 – is to strike a senior level working group to further define a plan for 9-1-1 implementation. Other steps should include the following: Schedule a facilitated session of the working group to explore the steps and duration required to expand 9-1-1 in the province. Topics of discussion should include legislation, governance, regulations, organization, administration, operations, and an implementation process.”

“Determine the lead or primary Department for provincial 9-1-1 activities and authority. Determine a governance structure. Draft and enact legislation authorizing governance and the activities of a provincial 9-1-1 Bureau. Create and staff a 9-1-1 Bureau under the auspices of the responsible Department. Initiate a province-wide 9-1-1 education program....”

“We recommend that the province’s next step is not to expand the existing 9-1-1 system, but to initiate a planning group to put in place the steps described immediately above.”

The report goes on to say, “In conclusion, we find that a cautious, progressive, and planned implementation of Basic 9-1-1 and, eventually, a multi-year plan resulting in the implementation of Next Generation 9-1-1 throughout Newfoundland and Labrador is quite feasible” and it estimates the equivalent of less than seventy-five cents per month per phone line.

So I would ask the minister if he would continue to be as forthright with his information, which

he certainly has been up to this point, if he could clarify where we are with regard to those other recommendations from the report and the status as we get ready to approve and move and vote on a bill which I think certainly speaks to the importance of having a 911 service around the Province.

This debate has certainly identified areas that need to continue to be discussed, identified, and actioned so that the people's money, and more importantly, the service that is provided to the people of the Province is in their best interest and serves them first, giving them a sense of confidence in the safety and understanding that what they are getting for the Basic service is not what their expectation is.

**MR. SPEAKER (Verge):** The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Thank you, Mr. Speaker, for the opportunity to speak in the third reading on Bill 14, the Emergency 911 Act, and following my colleague, the Member for Virginia Waters, who made a number of excellent points which basically outlined key recommendations of the POMAX report, which led to many of the pieces of the bill itself put forward.

I want to start on the bill on page 5 and just look at the definition of municipality, and under it, it recognizes the Municipalities Act, the City of Corner Brook, the City of Mount Pearl, the City of St. John's Act. It also says, "...for the purpose of this Act, includes a local service district and an Inuit Community Government established in respect of an Inuit Community under the Labrador Inuit Constitution under subsection 17.3.3(b) of the Labrador Inuit Land Claims Agreement".

The definition itself though does not encompass many other areas of the Province that would require an emergency response. There are unorganized communities that would not be a municipality, or would not be a local service district, or would not fall under the Labrador Inuit Land Claims Agreement.

Just in my own particular district I know that I have fourteen of these unorganized communities, where that is going to pose a

problem as you try to look at the definitions of the act and when you are trying to organize and look at the particular civic addressing which comes under page 12 of the act where it says, "An agreement entered into under subsection (1) may include provisions respecting the following: (a) civic addressing of residences, businesses and other property; and (b) an arrangement, function, procedure, protocol, service or standard considered necessary for the purpose of the effective operation of the emergency 911 telephone service."

There is a problem when you look at the report itself recommended that the mapping of the civic addressing, the signage that would be put in play and how that would be done, should have been done first before you look at implementing a Province-wide Basic 911 system. Right now, the impression is that if you call and utilize the 911, then you will get to a point where you are going to a secondary response centre and you have to describe where I live, I do not live on a street, there is no street name, and I do not live in a local service district or a municipality.

That is going to pose as a problem when I call 911. If I am in a period of distress, I will have to describe basically the colour of my house, my neighbours, where I live so that that message then gets relayed and then they will do a point of call and either call the local fire department, or the ambulance, or the RCMP. The planning – and I guess it becomes a challenge when we look at land ownership and where we are in the Province around the level of organization.

It will create some problems, and I did raise this with the minister. I raised it at the Municipalities Newfoundland and Labrador convention in 2013 and pointed out that this work should be done. At the time, the minister said that it is unnecessary, but it is certainly something that is necessary for Basic service, if you are going to look at trying to improve response time. Because with Next Generation, it is irrelevant, the civic addressing, because you have the technology in place that can locate you and find you based on that point of call. I wanted to point that out in this opportunity of speaking.

I wanted to also go into the point now around section 22 of the act for the arrangement and the collection of the fees because the report, as the

Member for Virginia Waters stated, should be seventy-five cents or less. There is no clarification of that there because the minister in debate, when asked repeatedly in Committee to table either agreements or provide what the overall cost would be, there currently was no information provided because those agreements have not been worked out.

The clause itself states, "The corporation may enter into an agreement with a telecommunications service provider in relation to the billing, collecting and remitting of fees for the emergency 911 telephone service." It does not say that they shall or that they have to. That creates a problem that if you are not able to negotiate with other telecommunication providers, this whole process of being able to collect the fees – because if one of the companies say no, they are not going to collect these fees because they are already charging a 911 fee as it is, or right now, putting this forward saying that it is going to be done and now we are going to do it through the telecommunications providers, well then, looking at the fees itself that they would be able to provide and negotiate, it would be, I guess, much more appropriate to look at coming to Legislature with negotiated contracts in place saying this is the plan of action, this is what we have done, now we need to make the law itself so that we can actually implement what we have negotiated. Here are all the steps along the way.

This is creating something that still requires a real plan of action to get to making sure that we have the Basic 911 service and that people's emergency situations, their lives, and all the challenges that they face will not be placed at greater difficulty in getting that emergency response time, because what 911 should be doing is looking at improving, enhancing, and responding in much more quick and efficient manner.

A telephone communications service provider, which enters into an agreement now, will comply with the terms and conditions and remit that fee to the corporation in accordance to the act. This is something that is going to be prescribed in the regulations and we do not actually know what the fee will be, we do not know the agreements between the telecommunications providers, or if they are

even on side to do so. The telecommunications provider will look at retaining a portion of those fees for their service.

We are already seeing this happen now where if you get a bill, a monthly bill for cellular service, you are getting charged a fee, so this is going to represent another line and another fee. The Member for Topsail had talked about how this is about revenue neutral. It is not revenue neutral in the fact that the amount that is going to be collected is going to be greater than what it costs to implement the Basic service.

This is a government that has been quite notorious for having their hands in your pocket, taking and implementing fees and taking more money out of consumer's pockets in terms of fees and in terms of levies. We have seen it. We have seen fees increase throughout the Province whether it be in just woodcutting, commercial licensing there in terms of fish licensing, and process licensing. Those types of things have gone up. We have seen those fees increase.

Those are things that have gone. Now by putting on a fee you are actually going to be taking more money out at the cost of the consumer, who is already paying, as I have said and many others have said. I want to point out that it talks about the fee they are going to charge, that it would be limited to the administrative cost to the telecommunications service provider. They are already collecting that fee so I am just wondering how much of it would be for them to have additional administrative costs.

Depending on what type of payment – because different telecommunications providers have different payments whether it is credit card, or whether pay by check or whatnot. There are all different kinds of fees. You are going to generate different amounts of revenue based on if it is a seventy-five cent flat rate and if the telecommunications provider is going to take a certain amount. You may negotiate different agreements based on what is coming forward. We have seen where the university has looked at eliminating credit card payments because they are not able to generate as much revenue from it.

There are challenges when we look at making clear and comprehensive on a subscriber's invoice as to what this is going to mean, and looking at the regulatory regime for it through the CRTC, and what type of work Industry Canada plays. There has been a lot of discussion around cellular coverage and what this government has done for expanding cellular coverage in the Province.

If we look at cellular coverage in Newfoundland and Labrador, we have a very challenging geographical, our topography when it comes to the amounts of peaks and valleys that we have. We have we are not as fortunate as Prince Edward Island when it comes to how narrow and how flat that province is to be able to get such a good ubiquitous coverage for even such a small population. Nova Scotia itself has much better coverage than what we have in Newfoundland and Labrador because of the physical shape of the province.

Newfoundland and Labrador has challenges when it comes to cellular technology and when it comes to providing that type of service. I think there are solutions for certain regions and certain areas when it comes to improving and enhancing cellular coverage. Will we get to 100 per cent ubiquitous coverage in Newfoundland and Labrador? It will be a challenge to do that. The technology and the type of technology we would use – there is going to have to be a real strategy put in place.

When I asked the questions in the House of Assembly when it came to what is the government doing and to table their plan, it was a very legitimate question to ask because there needs to be a clear plan. Is government going to be looking at using? It says here in this legislation they will not be using the funds for anything outside of the fund that is not in compliance with the Financial Administration Act. Will they be using a portion of the revenues? The minister alluded that they would be using it for the Next Generation technology.

Would they be looking at utilizing some of the revenues to partner with the cellular entities to try and come up with a strategy around certain highways, certain key areas where there is economic development happening around for commuter economy? We have seen it on the

Burin Peninsula, we have seen on the Northern Peninsula, places like Gros Morne National Park, and places like L'Anse aux Meadows the UNESCO site.

Once you get outside in the Labrador Straits area, in the Red Bay area and further, further North, you are really lacking in the type of coverage that you have. Can there be a type of strategic investment put in place where you are focusing on some areas to bridge out that framework? There needs to be that clear plan.

There is a concern I have around the regulations, the point that the Lieutenant-Governor in Council – it talks about how it would require the owner or occupier of a residence, commercial or other property to post the applicable civic number. I listened attentively to the Minister of Health and Community Services talking about how in CBS, basically, there were a number of communities and how they had to look at doing the mapping, and how there were a number of streets.

In Newfoundland and Labrador as well there are a number of communities. There would be several Ship Coves; there would be more than one Boat Harbour. There are a lot of similar street addresses that exist and some places do not have any addresses.

Certain things operate like a municipality. In The Straits, for example, where I live, the regional fire department is administered and it serves two municipalities, it serves eight unincorporated, unorganized communities, and three Local Service Districts. With it together, that entity falls under the NorPen regional waste services and it operates like a municipality.

We have varying degrees throughout our Province and there is not a one-size-fits-all solution. Although, we do need to make sure that we have the 911 service, and I have said many times before, it cannot just be the Basic. Other members have said you need to introduce the Basic. Absolutely, but we need to make sure there is a clear and co-ordinated plan to get the Next Generation service.

There needs to also be clarity as to how this is going to be done around the civic numbering and the property owner, what the process is

going to be so that people who do not even have roads who live in an area where their house is – because there are a lot of communities and other members will face the same issue. Where once the regulations come down and somebody says, you have to get a street name, you have to get a house number, and you have to map this, there really needs to be the adequate resourcing put into place.

There needs to be a way to map and make sure everything is done in an inventory so that there is clarity and people will not be left behind when it comes. Not every community, not every Local Service District, not every municipality has the ability and has the financial resources. They are dealing with so many other things when it comes to just the daily operations of their community that it does become a challenge when you are downloading services on a small municipality or on a Local Service District where many of these people are volunteers.

We want to see these communities and these regions have enhanced services. When we look at the plan that is put forward, it is stating things in the legislation – and I want to be comfortable in knowing that when the rollout of this happens it will be tactical. I have confidence that the minister can organize the plan and will listen to stakeholders. I do think that we will get to a point where we do have the civic addressing done throughout the Province and in areas, because we need to do it.

I am certainly willing to work with the Minister of Municipal and Intergovernmental Affairs to help in any way that I can, and provide some advice and expertise that I have in particular to my district. I think, as members, if we all offer that approach, we will see a better flow in getting this 911 implemented and advanced, because that is what is needed.

We have seen where a strategy has been announced in the Province, whether it is the tourism operator, the directional signage, the TODS strategy, where there was a lot of confusion with the rollout. People had their signs cut down. People still have them there and now there is going to be a phase-out; the same type of thing as to how the minister is rolling out – because the POMAX report said do all these steps first and then do the Province-wide 911.

We have seen some work that has happened, but we have not seen the recommendations that were put forward, followed in that degree. I think that there will be some challenges and there will be some issues when it comes to how fees are going to be collected, the ability to be able to enforce that, and to have the telecommunication providers on side.

The cellular piece is going to be an issue because of the double billing and what people will do when it comes to the CRTC approach and complaints that could be filed. That the regulatory body and that regime could look at that as a double fee provision because they are already charging that. There may be a cap limit that is put into place. I think that is something that needs to be looked at in further detail.

The section 32 as well – I just wanted to point this out because I did not point it out in any of the other discussions – “‘emergency response zone’ means a geographical area in which a council provides emergency services”. I just want to make it for the record that not all communities, not all regions that will be covered under this act is defined as a council or defined as a municipality. Are these people just going to be not part of the overall process and the planning that goes forward? I just wanted to put that there on the record.

I certainly will support the introduction of the 911 legislation and I look forward to seeing a move forward to Enhanced 911 services. I do see some challenges with looking at moving the legislation forward very quickly without following a clear plan. I put forward many concerns throughout the debate. I will work with the minister as those concerns come out in moving forward, because I think it is in the best interest of my constituents of The Straits – White Bay North.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. Barbe.

**SOME HON. MEMBERS:** Hear, hear!

**MR. J. BENNETT:** Thank you, Mr. Speaker.



Mr. Speaker, I would like to take a few moments and speak in favour of this bill. It is clearly a motherhood bill. I think we are going to have the delivery before we have the conception, certainly before we have the pregnancy and well before we have the labour. We are going to pay for it first and hope we are going to get it later on. That is what it looks like anyway.

In looking at the bill, and directly from the bill, some of the issues that concern me, first of all it is mandatory that section 5 says, "Every municipality, emergency service provider and public safety answering point" – that is a PSAP – "is required to participate with the corporation to fulfil the requirements of section 4". Section 4 was to provide emergency 911 services.

Mr. Speaker, why shouldn't a municipality be permitted to opt out if they cannot get the service? If the municipality is a municipality that clearly cannot get the service, either they cannot get the telephone service or they cannot reach any sort of a dispatcher who can dispatch any service to them. We have already seen a number of small communities in the Province that are very isolated and they are going to be entitled to 911 service, and they going to have to pay for 911 service, yet if they telephone, then how is somebody going to get to them, by helicopter? Are they going to bring a fire truck by helicopter? Are they going to bring police officers by helicopter so they can have the 911 service?

To make it mandatory that all municipalities must participate whether they are in a position to participate or not really smacks of oppression and smacks of big brother. What the government is attempting to advance to the people of the Province is that this bill will provide 100 per cent 911 coverage for the Province, and, in fact, 40 per cent of the Province is already covered. If 40 per cent of the Province is going to be covered and we have 100 per cent mandatory participation, and even after we have that, all municipalities will not receive the service, then that means that probably half or less than half of the remaining people who do not have service in the Province will actually get 911 service, even though everybody will be required to pay for it.

By way of example, Mr. Speaker, if you take a town in my district that will be mandated – that is Trout River – to have 911 service, there is no cellphone coverage there so everybody with a cellphone there will have to pay whatever is the fee that is put on top of this onto their cellphone bill. They will have to pay the fee on top of their hard line bill; yet, if you want 911 service for a fire in Trout River, you simply pick up the telephone and phone one of the numbers on your fridge for the dozen or so people that you know. They will get aboard a fire truck and come see you. You do not need 911 service to access fire service in Trout River.

As for police service, if you phone and look for police service, the closest police detachment is Deer Lake and the one that actually serves Trout River is in Rocky Harbour. That is probably an hour-and-a-quarter drive away. If you are in Trout River and you paying for 911 service and you phone the 911, get the RCMP, an hour-and-half later if the officer is dispatched right away, you will get a police officer who will show up at your home. You did not need the 911 service that you will be paying for to get that because pretty much everybody in Trout River knows the number of the police station anyway. They already know that number.

If you need 911 service for an ambulance, the ambulance is going to come from Woody Point which is twenty minutes away. Everybody knows that number. So, you phone 911, but you will not phone 911 on your cellphone in Trout River because you will not have cellphone service.

If you are visiting there, if you only have a cellphone and you have a medical emergency, the best you can do is go to a business, and ask the business to contact somebody because you have a medical emergency. The business then will telephone the ambulance, and the ambulance is twenty minutes away. They will not bother to go through the 911 because 911 will take longer than if they made the call directly to the ambulance.

**MR. FORSEY:** (Inaudible) know the ambulance number.

**MR. J. BENNETT:** They know a few numbers like that. I see, Mr. Speaker, the Member for

Exploits is in Corner Brook, the ambulance number – they all know the phone number for the ambulance in Trout River, believe me.

The number is readily available and they know the ambulance attendants, so 911 actually will be a detriment to a town like Trout River rather than a benefit. It will take them longer through 911 to get the service that they can already get today and they are going to have to pay for it.

They are still not going to have any cellphone service, so to mandate every municipality to have to pay and participate – clearly, well-drafted legislation would say that if a municipality can demonstrate that they do not need the service, cannot access the service, then they should simply be relieved from the financial responsibility of maybe 500 or 600 hard lines and cellphones paying the \$500 or so dollars a month that will simply go into the pot, for which they will get no benefit for it whatsoever.

Obviously, to force these towns to participate smacks of a dictatorial government that has no interest in actually what people are interested in, that has no interest really in providing service, but in this instance they are just trying to push through some legislation that they promised years and years ago without any real benefit.

Now, Mr. Speaker, they go on to say the NL 911 Bureau Inc. is established. It says, “The corporation is considered to have issued and outstanding shares which are vested in the Crown.” It does not say they are going to have them. It says it is considered to have them. Let’s say if it is considered to have the shares then it must have the shares.

If you look forward a little further on in the act – the way that some of this is drafted is virtually gobbledegook, because if you go forward to section 12.(2) it says, “Subject to a unanimous shareholder agreement, the board shall exercise all of the powers and discharge all of the duties of the corporation and administer and manage its business.”

Well, we already know there is only one shareholder at best, perhaps no shareholder, maybe some deemed shares. Why would the drafters of a piece of legislation say that

anything was subject to a unanimous shareholder’s agreement when there is only one shareholder? You do not need a unanimous shareholder’s agreement if there is only one shareholder. You need a unanimous shareholder’s agreement if there are two or more shareholders, and there are not. That just highlights the lack of forethought, the lack of planning, and the lack of precision that has gone into this legislation because it is hastily thrown together in order to generate a PR exercise.

Now, having said that, clearly everybody will support it because it is better to have an empty barrel than no barrel at all, so I suppose in a few years’ time if the shell is provided, another government will be able to work on it and create a proper 911 service for the Province. I think that will not take so long.

Mr. Speaker, if you look at the objects of the corporation under section 10, if you go down to (b)(ii) and (iii) it says one of the objects of the corporation is it “provides accurate and current information to primary and secondary public safety answering points,” or PSAP.

I would say that the type of information they would be looking for would be street names, street numbers, and towns. This information does not exist at this point in all towns. A proper exercise of trying to provide 911 service would have been to work for maybe six months, a year, a couple of years, however long it would take to shape up the municipal address naming and numbering system in the Province.

The legislation covers that because it says – it does not make it any better but it covers it – “integrates data from the civic addressing system where that data is available”. So, Mr. Speaker, this is clearly an admission that the government knows and the drafters know that the data is not always available. This is going to impose this legislation, provide an out clause, or a weasel clause that the government likes to have in legislation when they do not really want to do it. When they want to, “integrates data from the civic addressing system where that data is available”.

Mr. Speaker, why not work on making the data available first? Then do some consultations. Then find out the needs of these different

communities. Then introduce the legislation and have it pass much more quickly.

Mr. Speaker, it refers to the objects of the corporation as being that the 911 service “is efficient and cost-effective”, but we do not know what that is yet because we do not know what the cost is going to be. We do not know who is going to get the coverage. There is also no provision that telecommunications companies participate.

The drafting of the board of directors section is done just as sloppily. Under section 12.(7) it says, “Exercise of the powers of the corporation is not impaired because of a vacancy on the board”. Is that one vacancy, or more than one vacancy?

It goes on to say in 14.(1) “A director shall hold office for 4 years from the date his or her appointment becomes effective.” Then it continues on and says, “Where the term of a director expires, he or she continues to be a director until re-appointed or replaced.”

Essentially, unless somebody dies, or they resign, or they are fired, this is actually a lifetime appointment. It would be a lifetime appointment except you are not supposed to be able to participate for more than three terms, but if you have not been reappointed and you have just been carrying on and carrying on, then will it be successive terms if government has not gotten around to reappointing people, if the board of directors falls off the radar and it continues on?

There is another peculiarity in the way directors are appointed. It says “Notwithstanding subsection (1)”, and in subsection (1) it says, “A director shall hold office for 4 years from the date his or her appointment becomes effective.” In spite of that, or notwithstanding that, “...directors appointed to the first board” – that being the very first one, presumably – “under the authority of that subsection (a) the majority of the directors shall be appointed for a term of 4 years; and (b) the remaining directors shall be appointed for a term of 3 years.”

Mr. Speaker, that would tend to make sense if you were going to reappoint your directors. That would tend to make sense if you were

going to have some directors whose appointment comes up one year earlier and that way you will have some turnover, but at the same time you would have some people with some continuity.

If the government has covered itself with a clause that says, “Where the term of a director expires, he or she continues to be a director until re-appointed or replaced.” Then it makes no sense to have so many for a four-year term and so many for a three-year term if it does not matter; if you do not reappoint them or not they are going to continue on as directors in any event.

Another intriguing section is section 15. It says, “The chairperson shall preside over all meetings of the board of directors. (2) Where the chairperson is absent or the office of chairperson is vacant, the vice-chairperson shall act in his or her place...” Now that makes sense as well, otherwise why would you have a vice-chairperson? It seems like a good forethought, but then it continues on and says, “...in the absence of the vice-chairperson or where the office of the vice-chairperson is vacant the board may choose another director to act in the place of the chairperson.”

Well, given that the board will be the directors, that must mean the directors who are sitting around the table will pick somebody. If not enough people show up of the nine, the chair and the vice-chair are either absent or the position has been vacant, they sit around and pick one themselves to chair the meeting.

Now, that is fine until you get down to the next section, which is section 16. It says in 16.(2) “At a meeting of the board, each director shall have one vote and in the case of a tie, the chairperson or, in the absence of the chairperson, the vice-chairperson shall have a second or casting vote.” The chairperson or vice-chair will actually have two votes instead of one. In most boards the chair would tend to cast a deciding vote in the case of a tie so as not to have an imbalance of power.

In this case, Mr. Speaker, if you have four people at a board meeting, no chair and no vice-chair, or maybe you do, then if there is some sort of a debate on an issue, four of them vote and there are two votes against two votes. Now you

have a tie, so that means the Chair, or the person just appointed as the Chair, has a second vote. That means there may have been two people for and two people against, but the one person who sides with the chair also gives the chair a second vote which makes three votes. That actually means two people will outvote two people. It really defies the logic of having a chair act as a tiebreaker.

The legislation goes on, and it does not get much better. I am not sure if it gets any worse but I am certain it does not get much better. Under section 17.(1) it says, "The corporation shall hold an annual general meeting in each calendar year at a time and place set by the corporation." That seems to make sense.

It also says, "Notice of the meeting shall be provided to the public." That seems like a good thing, but it does not say the public gets to attend. So you could have a – the corporation, which will be the board, can decide to hold an annual general meeting at, say, Tremblant ski resort and head up there, because there is no prohibition on that. Five or six of them can decide to have the annual general meeting at a ski resort, or maybe they would like to go to some other resort. Head off out of town, provide notice to the public we are going to go off and have a public meeting now. Yes, you know where it is, you know when it is, but you are not allowed to attend. This is really open to abuse.

For sure, it should be necessary that meetings should be held in the Province. I do not know why it would be as loose as that. What is the point of providing notice of a meeting to the public if you do not let the public attend? It would seem that in the best interests of the public – and this bill is supposed to be to advance the interests of the public – it should be that a meeting should be held at some large public setting in the Province of Newfoundland and Labrador.

It does not say how much notice. It could be five minutes' notice, it could be a day's notice, it could be a week's notice, it could be a month's notice. If it were to say, on thirty days' notice meetings can be held in whatever locations in the Province, and the public is permitted to attend – because it is supposed to be the public's

corporation, and it is supposed to be the public's government.

Mr. Speaker, I am not saying there is any improper intention here that the government is trying to hide something away from the people. It seems more like somebody just threw together a piece of legislation because they thought it was time, having promised 911 for so many years, that they better introduce something. It is really poorly done.

Having commented on some of the not so good sections, I think section 18(4) stands out as being a good clause. I certainly wish that the Province would adopt what is shown in section 18(4) in the whistleblower legislation where it is not. In section 18(4) of this bill it says, "Where the House of Assembly is not in session at the time the report and statements are required to be tabled under subsection (3), section 19.1 of the House of Assembly Act applies as if the report and statements were a report of an officer of the House of Assembly."

That looks like it means that you do not need to have the House in session, because you know the House does not always sit. We do not actually have a fixed legislative agenda or schedule. That seems to be a good provision that whenever the report and statements are required to be tabled, it appears that if they were deemed to be tabled then that would mean they would be readily available to the public.

Mr. Speaker, another shortcoming in the bill, Part III deals with general areas. Section 22(1) says, "The corporation may enter into..." – may, not shall; may, not must – "...an agreement with a telecommunications service provider in relation to the billing, collecting and remitting of fees for the emergency 911 telephone service."

Mr. Speaker, we know why it cannot say it must or it shall, because the telecommunications service providers are federally regulated. They do not come under provincial regulations; they come under federal law and federal legislation. If, for example the telecommunications provider said no, I do not think we are going to bother to participate, then all of this would fall apart. It could not work.

It could not work without the telecommunications service providers Bell and Rogers, and whoever else happens to come to town with cellphones. Why hadn't the government entered into contracts and negotiated agreements with these telecommunications service providers before drafting the bill? They would be contractually bound to participate. Then it would take it out of the realm of federal legislation and would help enable the bill to work more properly.

It continues on and says, a telecommunications service provider shall bill and collect. Now that is if they agree to go along with it. I suppose they will, because they are going to get paid for it. They "...shall bill and collect from its subscribers the fee for the emergency 911 telephone service which may be prescribed by the Lieutenant-Governor in Council in the regulations and remit that fee to the corporation in accordance with this Act." It says, "A telecommunications service provider may retain a portion of the fees it collects for the emergency 911 telephone service as a monthly service fee."

If the Province had entered into negotiations and discussions, and if the Province entered into contracts with these telecommunications service providers beforehand, we would know what the costs would be. We would know it is X number of cents per call, X number of cents per telephone, and then this would fit much better. Unfortunately, it does not, but I guess we have to support it anyway.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER (Verge):** The hon. the Member for Torngat Mountains.

**MR. EDMUNDS:** Thank you, Mr. Speaker.

It is certainly a pleasure again to rise and speak to Bill 14, An Act to Establish and Implement a Province-Wide 911 Telephone Service for the Reporting of Emergencies.

Mr. Speaker, according to the POMAX study, currently there is 40 per cent of the Province that has Basic 911, and that includes the Northeast Avalon; the Western Region, Corner Brook, Bay

of Islands; and Labrador West. These existing stations are operated by fire departments, and in Lab West, the Royal Newfoundland Constabulary.

I fully support the implementation of 911 throughout our Province, but as you go through this bill and some of the explanatory notes, it raises lots of questions. Certainly, a lot of those questions have been brought up by members on this side and with good reason. For each district in our Province, a lot of these plans are the same, but a lot of us have unique differences based on geography, cultural sensitivity, population, and existing facilities to accommodate the implementation of 911.

I think there is not a district in our Province that is compromised by Enhanced cell service or even Basic cell service, Mr. Speaker. One of the points that talked about accessibility of this service through a cellphone creates the first question, and that is the fact that not everybody in our Province has cellphone capability, including the district I represent.

I talked many times about the need for cell service and how it serves a different purpose. It would serve a difference purpose when you are looking at the output of a signal from a strategically placed tower. Coverage could go out forty miles and that would be instrumental in saving lives. A lot of times where we do not have the connection of roads, a lot of our travel is by boat or by snowmobile. It is usually, for the most part, within a forty mile proximity of every given town.

If you look at the region that I represent, the communities from Rigolet to Nain, for the most part cell coverage would be interconnected with the output between communities. They would overlap. Had we had that ability three years ago, I am sure young Burton Winters would still be alive today. That is one issue.

There are a lot of people who have cellphones. They do get Wi-Fi and they do get computer coverage, but what they do not get is the ability to make a 911 call.

As a lot of people have brought up in this House in many presentations or arguments is that a lot of people travel, and they travel from areas that

do not have cellphone coverage to areas that do. Then it becomes a useful tool where you can keep in contact with your home community while you are on the move. They are already paying for a 911 service on cellphones they do have, even though they cannot use them at home. Mr. Speaker, where I travel back and forth to my district, I am a perfect example of using a cellphone when you are in cellphone range. When I am home, I do not have that ability.

The other issue I would like to talk about is the point of call, or the public safety access point. As you go through the explanatory notes and through the bill itself, Mr. Speaker, I think Labrador calls are going to go to the Royal Newfoundland Constabulary but that is not finalized yet. Outside of Labrador West, the calls will go to the fire department in Corner Brook – I think it is Corner Brook; yes, the City of Corner Brook.

Mr. Speaker, two communities that come to mind in my district are Nain and Natuashish. Nain is predominately Inuit speaking, a language barrier, and the same with Natuashish. Most of the residents there speak Inuit. Now I am sure that a fireman in Corner Brook is very well equipped to do his job, but I can see some major hurdles when it comes to an Aboriginal person or First Nations person who is under stress trying to make a 911 call and gets a switchboard or a fire department in Corner Brook.

Even the fact that there are so many different dialects of English throughout this Province – I know some of the people from around rural Newfoundland, Mr. Speaker, I have trouble understanding. I know the same goes for Aboriginal people who take a different accent speaking English. Again, even though the common language will be English, we have seen this in a couple of instances with search and rescue up around the Grey Islands when local knowledge and accent compromised a search but it did turn out successful in the end.

We do have somewhat of a similar situation that exists now. In my home community of Makkovik, Mr. Speaker, I live across the street from the RCMP detachment, literally across the street. I could be sitting down in my home looking at the RCMP detachment, calling them,

and talking to someone in Halifax. There are all kinds of issues around the fact that once a call is made: What kind of response are you going to get?

We all know about the timeliness of the response. We know we live in a remote area. You cannot send an ambulance up there. We do have an ambulance in our hometown but in terms of secondary medical treatment or trauma treatment, we have to wait for an aircraft to be dispatched out of Goose Bay, fly an hour-and-twenty minutes to Nain, do whatever they have to do in Nain in terms of making the patient comfortable, and an hour-and-twenty minutes back to Goose Bay. So you are looking at three hours.

When you are looking at trauma situations – if we were to have an accident here now, I do not know how long it would take an ambulance to get here, and you are at a major trauma unit. There are all kinds of differences as you look throughout the Province. When you are looking at the implementation of 911, it includes local service districts and it includes Inuit community governments.

I do not have any real issues with the board structure, outside of the fact that it says one board member shall be from Labrador. Now the Minister of Labrador and Aboriginal Affairs stood up today and talked about a new government. Within our own Province we do have another government, we have the Nunatsiavut Government.

Labrador, geographically, is much bigger than the Island portion of this Province. My recommendation was put forward to say: Why not have a member of another government on this board along with a member for Labrador? I am hoping the minister will take this into consideration. We are not the only government in this Province.

There was actually reference made to the land claims agreement, whereby if there is a conflict of implementation the land claims agreement would take precedent. I think it just stands to reason that there would be a Nunatsiavut Government representative sitting on this board. If not, for the reasons I just outlined, you can work together on this.

I am not bringing up these concerns because I am against this bill. I am bringing up these concerns, Mr. Speaker, because I would like to see these concerns integrated and consolidated so that once we in Nunatsiavut pick up a phone and call 911, we can then sit back and know with comfort, that our call has gone to the right channels and that help is on the way. The way this is proposed right now, it is not going to happen. Not only that, we are going to be paying for it.

I certainly have no problem with the amount on the telephone if I know that we can depend on the service. This legislation is good. It is forward moving. It is in the stage of implementation, or hopefully will be, but what it is going to require is a lot of amendment. I have seen bills from way back that have been brought forward for amendment or for renewal.

Mr. Speaker, just a few closing comments before I take my seat. It is that I can see many amendments coming to this bill, and not because it is totally a bad bill. It is a forward moving bill, and it is going to take time, it is going to take commitment, and it is going to take changes. I will be supporting this, but I do it leaving the caution there for how it can be implemented in the different rural and geographic regions in our Province.

Thank you.

**MR. SPEAKER:** The hon. the Member for Cartwright – L'Anse au Clair.

**MS DEMPSTER:** Thank you, Mr. Speaker.

I did stand last week and voice some issues on Bill 14, An Act to Establish and Implement a Province-Wide 911 Telephone Service for the Reporting of Emergencies.

Having been home for several days over the weekend in my district, and we have said it many times, Mr. Speaker, when we stand here in the House of Assembly it is about being a voice for the people of your district and making sure that their concerns are raised in the House. I am compelled to stand again and make a few comments on Bill 14.

I am going to reference the study that was carried out by POMAX Consulting Incorporated. When they carried out the study in 2012, in the summary of the findings they had a sentence that said due to the distribution of the population in the Province, unique challenges exist in remote and isolated areas, in particular the Labrador Region of Newfoundland and Labrador. That is what I want to speak about for the next few minutes, Mr. Speaker.

We had the summary. The findings of the study summarized that unique challenges exist in remote and isolated areas of Labrador. The way I see this is I do not know anyone who is going to vote against 911 in the Province. It is wonderful that we are moving there, but the big issue for people in remote areas, Mr. Speaker, is the bill is being taken and divided equally throughout the whole Province of Newfoundland and Labrador. The service is definitely not equal. We will be paying equally for the service but in Coastal Labrador we will have unequal delivery. It is very unfair.

I am going to reference a number of communities in my district that are really upset about this. They feel like when money is being shared out when it comes to other things, benefits, and services, they never get their fair share. When the bills are being divvied up they are certainly not forgotten about there.

We have people from Black Tickle, an Island in the ocean in Labrador, Norman Bay, William's Harbour, Pinsent's Arm, Paradise River, these are –

**MR. MCGRATH:** (Inaudible).

**MS DEMPSTER:** I hear the Minister of Labrador and Aboriginal Affairs. I hope he is as concerned as I am about those people who are going to be –

**MR. MCGRATH:** (Inaudible) service centre.

**MS DEMPSTER:** That is what I am doing. That is good.

Mr. Speaker, we know this 911 will come in three different stages: the Basic, the Enhanced, and the Next Generation. The best those communities will get is a Basic 911. Those

communities do not have clinics, they do not have an ambulance, and they do not have a fire truck. They are going to call the same four digits they call now and they do not need it to be a 911.

Mr. Speaker, in those three or four communities there are some cellphones there, because they go once or twice a year and they have it for those purposes. For those people to have to pay for twelve months of the year – I like what my colleague from St. Barbe said, communities should have the option of opting out if they see that this in no way is going to benefit. In fact we believe and my colleague for Torngat – because we live in a similar circumstance as some of our communities and voice the same concerns, we feel that this will actually delay. As I referenced before, sometimes a delay in response can mean lives.

It is a good bill. It is great that we are all ready. It is nothing new for many, many of the larger places in Newfoundland and Labrador. It is nothing new because 40 per cent are already using 911. What is happening now is we are being spread out to a number of other areas, but the whole Province is being made to pay for it, small, isolated communities that do not have cell service.

I believe we would certainly do more to help those if we would help some of the people who have applications in I have to add, looking for fire trucks and firefighting equipment and things like that. If we want to talk about helping people and making communities safe, we need to be putting adequate funding in so we can ensure that the basic infrastructure is there for those communities, Mr. Speaker.

This bill does speak to the need for cell service. Every single weekend when I am driving on the road I am back and forth 420 kilometres, 840 kilometres return from Goose Bay out to the coast where I live – every weekend. I am seeing people broke down on the road. If they do have a cell service it is no good to them. Guess what? Not only do they have a cell service that is no good to them in that stretch, they are now going to have a cell service that they are going to paying more on for a service they cannot avail of either.

I am sorry, Mr. Speaker, when I run into a lot of people who tell me they cannot support that for this reason, I understand where they are coming from. Who is going to say, yes, give us somebody who has two or three phones in a household, give us the extra bill, we will pay twelve months of the year for a service that is not helping us in any way. In fact it may slow the service when someone in one of these small communities has to pick up the phone and call someone in Corner Brook and that local educational knowledge piece is not there.

I doubt there is anybody going to vote against someone who is driving across the Island. It is great for you to have the option to pick up the phone and dial 911, but it is not fair, it is not right. Morally it is wrong for people in small communities who can benefit in no way to have to pay the bill for that person on the Island who is driving, Mr. Speaker.

I just wanted to go on record, Mr. Speaker, of making those points for the people who voiced their concerns to me while I was back home. Unique challenges do indeed exist in remote and isolated areas. It is very unfortunate that some of those people in the small communities who are really, really struggling financially – and there might be people here who are saying come on, we are talking an extra \$12 on a phone.

I can tell you there are a lot of people in the small communities. I have communities that have voted to relocate a year ago and they are not moving. These are people with no clinics, no ambulances, and no fire trucks. I understand it when those seniors on the fixed income say why are we are being hit now with another bill when the service is not there for us. I certainly understand that.

I do not know how much thought was put into the wording of this whole bill, but clearly it is a good bill in that we need to be moving toward 911. In terms of the expense and how that is going to be shared out, certainly not a lot of thought went into that. I believe it could have been done, there could have been options put forward to make this much more fair in the cost of who is going to pay for it, Mr. Speaker.

I have made my points. I am happy to speak again to Bill 14. We will be voting for it. I



think it is very, very unfair that people in remote, isolated communities will be paying equally for a service, but they will not be benefitting, and in fact, it may be harming them – it certainly may.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Is it the pleasure of the House that the said bill be now read a third time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Carried.

**CLERK:** A bill, An Act To Establish And Implement A Province-Wide 911 Telephone Service For The Reporting Of Emergencies. (Bill 14)

**MR. SPEAKER:** This bill has now been read a third time and it is ordered that the bill do pass and that its title be as on the Order Paper.

On motion, a bill, "An Act To Establish And Implement A Province-Wide 911 Telephone Service For The Reporting Of Emergencies", read a third time, ordered passed and its title be as on the Order Paper. (Bill 14)

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

At this time I move, seconded by the Minister of Child, Youth and Family Services, that the House resolve itself into a Committee of the Whole to consider Bill 6, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act And The Municipalities Act, 1999.

**MR. SPEAKER:** The motion is that the House resolve itself into a Committee of the Whole to consider Bill 6.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Carried.

On motion, that the House resolve itself into a Committee of the Whole, Mr. Speaker left the Chair.

### Committee of the Whole

**CHAIR (Littlejohn):** Order, please!

We are now considering Bill 6, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act And The Municipalities Act, 1999.

A bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act And The Municipalities Act, 1999". (Bill 6)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Thank you, Mr. Chair, for the opportunity to speak to Bill 6. It has been quite a passage of time, I guess, since the last time we initially spoke and debated in second reading on Bill 6.

I guess, to make the point, is that the bill is set up in two key areas as to what it wants to achieve. It wants to appoint one or more youth representatives to council that would be under the age of eighteen at the time of appointment. This had quite a period of debate in the House of Assembly last time because, during the debate, it was quite clear that the Department of Municipal Affairs had not done the consultation with Municipalities Newfoundland and Labrador in a clear manner as to what their position was.

We had debated and read the position and the points that were put forward by MNL at the time. It is quite clear now that after consultation and being at the symposium and the debate that was discussed is that Municipalities Newfoundland and Labrador have now been adequately consulted and they feel that this is

something that they can support, and that is key. You need to make sure that the stakeholder groups that are going to be impacted, which would be individual municipalities – I have had time myself to go and talk to municipalities in my own district that have had concerns about the appointment and how this would work, because they were not consulted.

I think that making it clear that the legislation does not require, it is not mandatory, but it is an option – and that is something that is important to look at as well. I think there will be municipalities that will uptake this option to have a youth or more appointed – and youth are very involved in some of our municipalities now. I know there are some municipalities in the Province, in my own district, where youth are involved on different committees. They sit on arms of council that would advise and would provide information on that level. They do not sit in the council room, they do not sit in the actual meetings itself, but this would allow them to sit in these types of public meetings.

So, I have had time to adequately consult with my own municipalities that would be impacted by this piece of legislation, and I like when you do have that opportunity to go and discuss and have clear information on it. Because when a piece of legislation is plopped down before you and the passage is just expected, consultation is key and listening to people is certainly key – and I have had that time. I think that the legislation will allow a level of engagement that is not currently there. I think that given some municipalities will opt not to, other municipalities will opt to have youth appointed to council.

In the debate we raised a point that this might be just the template for this legislation where you might end up seeing the Municipalities Act and the cities acts have an elected youth who would sit on council, because that was something that was debated is that this would be an appointed position. You may be able to establish framework in consultation with the whole process and the stakeholders, where someone may be able to serve and run, and then you run a slate of youth candidates – anybody who is interested in the general municipal elections.

They may be a minimum of maybe fourteen years of age so that during that time over the term between the next municipal election they would not reach age of majority. Then, during the next election itself, they would have either reached age of majority and then they could run for a general council seat. So it would allow the youth to have that one term to gain that experience. Then if they wanted to, another youth could be appointed. It does provide an option that this may be the first start, I guess, to something more.

I think the minister's intent on this piece of legislation is to look at trying to get young people in the Province more engaged at a municipal level, and I think that is admirable.

**SOME HON. MEMBERS:** Oh, oh!

**CHAIR:** Order, please!

**MR. MITCHELMORE:** I would like to see it in an elected position, but this can be the first start.

I will point out that the other piece that was in the legislation up for debate, that is really positive, given the global world that we all live in, the commuters and the impacts that anybody may have. We have had people in small municipalities – they are small in number in many cases; there are not a lot of volunteers. In many cases our municipal councillors have many hats and play many roles. If they are out of the community because of work, because of health reasons or because of travel or other commitments, they may be able to take part in a council meeting by Skype, or by some other type of telecommunications technology. This can reduce cost and it can still get the business done that municipalities need to do on a regular basis.

We have to move forward. We have to see these types of things happen. We see it happen on government committees where people phone in via teleconference. It does reduce cost in terms of travel. Maybe this could be utilized a whole lot more throughout government, at the provincial level, as we are looking at allowing for the municipal level. I think that was certainly something that well supported by municipalities across the Province when it comes to that piece of the bill itself.

There certainly was debate. That happened in the media, it happened in many cases around the youth appointment; but seeing that the consultation has taken place, that there is much more support and the clarity that this is not something that is prescriptive, that it is not a mandatory process, that it is an opt in, we will see what happens with municipalities. It can be evaluated. Moving forward, maybe we will see a point where youth can really get involved in an elected process, involved on the hustings as well running for municipalities, by changing the legislation in the future. I think that would be an approach – myself, personally – that I like, because when you are elected you have a greater degree of accountability to the people who voted for you and rather than an appointment and the obligations that come with an appointment.

That is something that we brought forward. Many of my colleagues in the House of Assembly here in the Official Opposition caucus spoke to this in debate. I think it is great we have had the time to consult with our individual municipalities and see where we go forward from here.

I think this is a piece of legislation that I certainly will look to be supporting. I will let other members speak to the bill and should I have particular questions, I will address them to the minister.

Thank you, Mr. Chair.

**CHAIR:** The hon. the Member for Bay of Islands.

**MR. JOYCE:** Thank you, Mr. Chair.

I will just stand and have a few words on this, as I spoke earlier on it. There are two parts to the bill as my colleague from The Straits – White Bay North mentioned: one is allowing councillors the opportunity to partake in the council meetings from away; and the second part is to put youth in. The minister is here talking about how we need to get youth engaged, and if we appoint youth to councils we should get youth more involved.

I find it so ironic, Mr. Chair. I almost fell off my chair laughing. We heard the minister here defending youth and how youth should be more

engaged. He had an opportunity to appoint someone to the Municipal Assessment Agency and he appointed two people almost seventy years old.

**CHAIR:** I remind the member to stick to the points of the bill.

**MR. JOYCE:** Mr. Chair, it is about the bill. If you are serious about youth, you would have youth involved. The question I have to ask about this is when you stand up and appoint people seventy years old, when there is an opportunity to appoint youth and you want youth appointed to councils –

**CHAIR:** I remind the hon. member that we are talking specifically about appointing youth as a liaison to council.

**MR. JOYCE:** I am, Mr. Chair. Why couldn't we appoint youth to the Municipal Assessment Agency?

**CHAIR:** It is an amending bill. I ask the hon. member to speak to the amendment and the principle of the bill.

**MR. JOYCE:** We will talk about the youth, Mr. Chair. The youth needs experience from all over. If you are going to put youth on the council, as the minister is saying that we should – and is it going to be a token youth? That is going to be the big question.

Will you just appoint someone and say now you sit in the chair, you cannot vote, you are not allowed to make any decisions, you are not allowed to see anything confidential, but you just sit in the chair. Mr. Chair, it is the bill. It is appointing youth to the municipality. It is the bill. I say to the Government House Leader, it is the bill. It is part of that bill. Town councils now can appoint youth, and the youth themselves can partake in the meetings, but they cannot see anything confidential.

I will be voting for the bill, but this part of the bill was not thought through, Mr. Chair. It definitely was not thought through. For the minister and the government to say they consulted stakeholders, they did after the fact, after the big uprising over on this side, and MNL and other people. They finally consulted MNL

and said we do not really agree with it, but we can understand, we will move on with it. The approach was wrong.

If you are going to have the youth, you have to lead by example. If you want to have youth involved, just use an example of the Municipal Assessment Agency, Mr. Chair. Can we appoint the youth to that?

Mr. Chair, we look at the other part of this bill. The other part of his bill is some council – and a lot of people work away. When a lot of people work away they miss a lot of council meetings. I think every member in this House probably has councillors who do work away, or their job takes them away from their location, from their home, and they miss meetings.

Mr. Chair, that is a good part of the bill. That is a part of the bill where you see councillors and you see councils who could not get a quorum because of people working away. With that part of the bill it is incumbent, especially with a lot of older people now who are on councils, they may be away for medical reasons; they may be away visiting their grandkids. That gives the opportunity to give people a greater opportunity to stay involved with their council.

I say to the Minister of Finance, yes, there are a lot of older people on council who do move away. They are away for a week or two to visit their grandkids and they miss a meeting, Mr. Chair. If the Minister of Finance wants to stand up, let her go ahead, but I know people who do that. I do know that. They are away and they do not want to miss the council meetings.

**SOME HON. MEMBERS:** Oh, oh!

**CHAIR:** Order, please!

**MR. JOYCE:** Mr. Chair, I heard some of the people pass on concerns that you have to be on the ground for some issues so you can have a say into some of the issues. To some extent that is true. With that, though, with today's technology, you can be brought up to speed pretty good on the meeting.

Also, Mr. Chair, that does have some merit, but people can go on the advice of their senior staff, and they can go on the advice of other

councillors, or in a case where someone does not feel comfortable, but at least attending the meeting, they can defer the decision until a later date so they can get home. That part of the bill is a great part of the bill.

I say to the Minister of Finance, what I said was - now if you want to stand up - there are some grandparents who may be away visiting, or for sick reasons may be away and –

**MR. KENT:** Mental reasons.

**MS JOHNSON:** Mental reasons.

**MR. JOYCE:** Oh, if I said mental reasons – I did not say mental; I said medical. I meant to say medical, sorry. I meant to say medical. If I said mental - it was medical I said, for medical reasons. We got that straightened out.

**AN HON. MEMBER:** (Inaudible).

**MR. JOYCE:** No, no, and I apologize if I said that. I did not mean to say that, if I did say that. I can see where the confusion came in.

Mr. Chair, that is a great part of the bill, but we get back to the youth part. There are a lot of unanswered questions. I would like for the minister to answer when he gets an opportunity to speak on it. How long can they appoint a person under eighteen? Is it just one term? I will give a good example that the minister is aware of; out in York Harbour and Lark Harbour, where they are going through amalgamation with the council, the elections have been cancelled. Does that youth continue on?

There are a lot of questions. Can they appoint one, two, three, will that cause – if they can, which I know they can – a lot of confusion in the town and say, oh well, my boy should be on, or my person should be on, or we have a great person here. It becomes a bit of a conflict to a town.

Mr. Chair, I understand, and the minister again can correct me if I am wrong, that a lot of the towns have the opportunity to do that now. They have an opportunity to appoint a youth advisory committee now from my understanding. If they have a youth advisory

committee to be speaking on now, why do we need this? Why do we need this if the councils have the opportunity to appoint a youth advisory committee?

Mr. Chair, there are some unanswered questions. I think after discussions with MNL, I think MNL said now okay, we will bite the bullet and we will go along with it, we will not kick up any more fuss about it. At least they were consulted, after the fact, mind you.

Mr. Chair, this is a bill that came up which caused a lot of contention, because the other thing with this bill, if councillors are away, technology is going to cost extra. It is going to cost extra, no doubt. As a former councillor, you know that if you have to hook up Skype or if you have to find some other technology, Mr. Chair, we are getting into the fiscal framework now. Will there be some kind of – well, Mr. Chair, you are looking at me, but it is part of it. There is a cost to it. Municipalities are saying: Well, how much is the cost, or will we get a fiscal framework so we can do these types of things that the government is willing to bring in?

So, there are a lot of questions, Mr. Chair, that this bill has brought up and very few answers – very few answers. The first part on allowing people to vote who are away through other means and attend meetings, I agree 100 per cent. We should have brought it in before. I know the former minister was looking at bringing that in before, and now it is being brought in and I support it.

So, Mr. Chair, I will take my seat and on the youth part, once again, I say we need the youth involved. To me, there is no better way to get youth involved than in political appointments, especially the Municipal Assessment Agency.

I will take my seat and I will have my opportunity to speak again, Mr. Chair.

**CHAIR:** The hon. the Leader of the Third Party.

**MS MICHAEL:** Thank you very much, Mr. Chair.

I am happy to have another chance to speak to Bill 6. I did speak to it when we were in second reading, and I had a lot of questions and

comments, which I made at that time. I have to say that since the second reading, I have had an opportunity to speak with many young people about the section in the bill which has to do with a council appointing one or more persons with a title, youth representative, to sit on councils and participate in the deliberations of council.

I put out to the young people my concerns with regard to the fact that they would be on council, but they could not really vote. They would not be able to sit in in camera sessions; they would not be able to have access to confidential information, et cetera. While they recognized all of that, they still thought that doing this was a step in the right direction.

One of the people who were members of a group that I spoke with was down at a luncheon of the City of St. John's, and it was a luncheon to recognize members of the mayor's youth advisory council – I think it is called council; it might be committee – and I was delighted to be able to attend the luncheon because I was able to sit at the table with some young people who were members of the council and get their perspective on what it was like to be a part of this mayor's youth advisory committee.

It was the first time I had been able to be at the luncheon and I was quite amazed by the tremendous number of programs that is going on in the City of St. John's – I knew about some of them – but for young people. It is the presence of these young people on the mayor's youth advisory committee that has helped get these programs going in the city. The programs are everything from sports-related programs right on to really being involved in talking about what is needed for young people. Their perspective was very interesting. Their perspective was: At least we are there talking. At least we are being heard. At least our perspective is being spoken, even if we cannot vote.

I will be able to vote for this bill when I was not sure that I was going to be able to before. That was just one example. Obviously, like other members of the House, our party, the party I am part of has a youth wing as well, a lot of young people involved. I made it a point to go to the young people in our party and find out from them what they thought. They all said the same thing. I did not speak to one young person under

twenty-five who said to me: Vote against the bill. That was really important. I wish government had done the same kind of consultation beforehand so that we would have known this kind of consultation. I was really happy to go out and find out myself, but it would have been nice to know that government had also gotten advice when they put it together.

I will be voting for it, but what I am hoping is – I do know we have looked at where it exists in other parts of the country, just as the government has. I can rattle off the names of the provinces where it exists, but the one thing that we have discovered is that where a clause like this has been put into legislation, no council has bothered to do it yet.

From that perspective I could say well, it does not matter what I think, let's put it in because maybe nobody will do it anyway, but that is not what I want to say. What I want to say is if this goes in, then I think there should be a real attempt by government, by municipalities, the department of municipalities, to encourage the municipalities that have the ability to do it, to really try to make this operative. Maybe to encourage other municipalities that have not been doing it, to do what the City of St. John's is doing.

By having this advisory committee, they have actually gotten hundreds and hundreds and hundreds of young people involved throughout the year, not just in summer programs but throughout the year. They have young people who are engaged.

I was not the only person from the House who was at that luncheon. Colleagues from all sides of the House were there. We saw these wonderful, young people, the person who was chosen as sort of the youth of the year from this group and others, the poise with which they were present, the way in which they presented their ideas. I mean, granted, they came into this program with those skills, but being involved in something like the mayor's youth advisory committee, those kinds of skills get honed even more.

What I would hope is that by putting this in the legislation for these cities in Newfoundland and Labrador – because it is the three cities that the

legislation covers. Even if the department of municipalities was to work with those cities to encourage them to actually live up to what is now in the legislation, that would be wonderful. I do not know the degree – this, I have not looked at – to which others are doing what the City of St. John's is doing with their advisory committee. Maybe they are doing it. Maybe they can be encouraged to learn from one another. Maybe there could be joint getting together of young people from other municipalities getting together and learning from one another.

What I would hope is that by putting this in the legislation, we also become involved in trying to get action going so that we are encouraging young people. So that as these young people are involved on a municipal level, they start thinking about running for municipal office not far down the road after they have been on a committee like the mayor's advisory committee here in St. John's.

Yes, I will vote for it, but I really encourage the minister to look at leadership that he could give. He himself has pointed out, and rightly so, how he was a very young person when he got involved politically. He should be able to use his experiential wisdom, his experiential knowledge, to encourage others to help lead the young people. Not just to being involved in these committees and then waving goodbye and walking away from municipalities, but seeing how they can think of themselves as being councillors, as being mayors.

If we can encourage the councils to make this clause operative, so we could actually see some action coming from it, and maybe when it gets put in Municipalities Newfoundland and Labrador will want to make sure that something happens at their annual meeting and people talk about what is now in the legislation. Maybe have workshops on it to see how we can get young people more involved both in the present and in the future.

Having said that, Mr. Chair, I think I have said all the points that I wanted to make at this time. I am very happy to say that in the name of the young people whom I met with over the last weeks, I will be voting for the bill.

Thank you.

**CHAIR:** The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Thank you, Mr. Chair, for the opportunity again to speak to Bill 6.

It is very important to be cognizant of the fact that we live in a digital world and there is still such a digital divide in Newfoundland and Labrador when it comes to a piece of the legislation that my esteemed colleague, the Member for Bay of Islands, had discussed. It was around the technology piece and implementing and allowing a councillor to come in by technology.

In Newfoundland and Labrador we still have upwards of 200 communities that do not have access to broadband. If we look at the actual technology that we will be using, the Member for Bay of Islands talked about the cost of either purchasing the technology, whether an iPad or some other type tablet or video conferencing, and also looking at the training piece that would be needed.

This goes well beyond the three cities in Newfoundland and Labrador, it also includes all municipalities. The municipality of Goose Cove, for example, in my district does not have access to broadband Internet. Their councillors are going to be very limited in the options of being able to come in by electronic means. The playing field is just not level for all municipalities.

I have another municipality that got amalgamated with Roddickton – Bide Arm. That portion of the town itself does not have high-speed Internet. You can see where there are gaps. Maybe the Member for Cartwright – L'Anse au Clair will talk about some municipalities in her very own district that are faced with the same challenges. I know that Red Bay, for example, certainly faces that challenge.

It can work really well depending on the type of technology that is going to be used. I guess that is up to the provision of the municipality. Again, this is not something that is mandatory for a municipality to do. It will be up to

individual councils to decide how and if they want to implement it. There may be some resistance to technology or utilizing certain programs whether they are utilizing Lync, Skype, Voice over Internet Protocol, or whatever other type of technology that would be available.

I wanted to ask the minister a very specific question and he has been very good at answering questions specific to the legislation. It does state that the council may allow a counsellor to participate in a meeting by electronic means and that clause is there for each city act and the Municipalities Act. It says that a councillor can basically come in by an electronic means.

When we talk about youth, the youth is referred to as a youth liaison. It says in the clauses before it when we look at the youth appointment itself that they may appoint the youth as a youth representative and they have to be under the age of eighteen, but a person appointed as a youth representative is not a member of council. Therefore, you draw the conclusion that if they are not a member of council they are not referred to as a councillor because they are not elected a councillor. Yet going down forward, it talks about that the council may allow a councillor to come in by electronic means.

Does this legislation limit the youth liaison from coming in by electronic means just because of the way the legislation is written, that it is not clear, that it is not concise? That may lead to some concerns where some councils may draw the conclusion that the way the legislation is written, youth have to be actually present for the meetings even though they cannot vote in them.

There are many cases where a youth under the age of eighteen may be travelling, on a conference, they may be taking any number of opportunities academically, or through athletics, or travelling abroad on a school trip, but still very dedicated to the issues and concerns that are in their municipality, whether it is in the cities, or whether it is in one of the small municipalities. I believe that is a very legitimate question based on the way the legislation is written. I hope the minister will take to the opportunity to answer that specific piece.

If the minister would provide some further clarification around working maybe with municipalities to look at what type of training sessions can happen to help out for municipalities that may need it, and looking at the cost associated with implementing technology to find out what certain technology and the capabilities are. What is the low-cost option? Maybe others would require more technology or a more sophisticated technology at a higher price.

We all know there are opportunities with using technology. I use Voice over Internet Protocol all the time to make free calls, basically internationally. That can reduce a lot of cost. That clarity overall, I want to put that forward to see if the minister has further comments on that, but to make sure and put for the record that all municipalities will not have an equal playing field because of the lack of telecommunications opportunities that are there, mainly lack of broadband Internet service. I look forward to maybe getting some clarification on if the youth can actually come forward and dial in, either via a telephone or other telecommunications.

Thank you, Mr. Chair.

**CHAIR:** The hon. the Member for St. Barbe.

**MR. J. BENNETT:** Thank you, Mr. Chair.

It is an interesting bill because it has two parts: one is really good, the second part that we never seem to get to; and one is not really very well-thought-out. It is not that bad, it is like the kiddie section and the Skype section. The Skype section is a good bill, it is a good section, but the kiddie section is kind of meaningless.

I think after Municipalities Newfoundland and Labrador decided that it was permissive and not mandatory – may appoint one or more persons – that everybody relaxed a little bit and thought well, it is not so bad after all. The first part is the part that is drawing everybody's attention and it seems to be the part that government is proudest of. On the second part they have a pretty good bill. On the first part it is kind of meaningless.

For example, how both parts could or would relate to many small councils – one that I served

on immediately before coming here. You have seven people sitting around the table, councillors and a mayor, or five, or say seven. There is some young person who is interested in council, the person is sixteen or seventeen, maybe less, but not eighteen and you have one or two. You have this young person who is kind of interested.

Obviously council meetings are public. Council meetings are public. So, that being the case, a young person could be sitting in that row of chairs just alongside of the big table with the seven councillors, or could move over to the table over here, about three feet away, and sit at the big table and could now listen and talk, which probably in a small town council you would be able to do anyway. The young person could not participate in voting, and that would be okay because they are not elected. They could not participate in confidential matters in in camera meetings, presumably. So you have a young person now who, instead of sitting in the bleachers three feet away, they are sitting at the council table, but they have to leave.

Some of these council offices are half a mile from home, or quarter a mile from home, so you have to say to the young person: Well, we are going to have an in camera meeting. No, there are no cameras involved, but it is an in camera meeting and you have to leave. Why don't you go out and have a smoke? Oh, sorry, you are not old enough to smoke. Sorry about that. Why don't you go up to the bar and have a beer? Oh, you are not old enough to drink. Well, just take your car and drive around. Oh, you are not old enough to have a driver's licence. So, you have a young person there and you have them excuse themselves for a little while so you can have an in camera meeting, and then you have them come back.

Now, it is a good thing that it is permissive, it is sort of a motherhood section, but that part is probably – and the Leader of the Third Party said that apparently wherever this legislation has been enacted, it has never been used. Probably that is why MNL relaxed on it after the first blush.

The second section is really useful, because most of these small town municipal councils have quorum difficulties. The reason they have quorum difficulties is because a lot of people



work away. There is not so much work in some of the smaller rural communities. Of the five or the seven, in the fall of the year it can be hard to get people to show up because they are off guiding moose hunters. In the spring of the year it can be hard because they are getting up 3:00 or 4:00 in the morning to go fishing and it is hard to get them to go to council meetings; but if somebody could telephone in who is working wherever, they could be working in Lab City, or could be working in Fort McMurray, or could be working anywhere and participate and make up the quorum, participate in the debate and vote, in my mind, that part of the bill makes it absolutely worth it, and that is the part of the bill that government should be trumpeting. That is the part of the bill that works really well. That is the part of the bill that municipal councils are really impressed with.

That part of the bill certainly carries it. The first part of the bill, not so much; it is kind of a motherhood issue. I can see it showing up in a Blue Book sooner or later saying: We did this for youth. Well, fine, say you did that for youth. Actually, it is not doing much for youth, but it is kind of harmless. The second part is really useful, really beneficial. It is what I call the Skype section, but it could be the teleconference section. It could be certainly by telephone; it could be by speakerphone. We use teleconferences regularly all over the place now. While the person ordinarily could participate, now they will count for a quorum. It is a useful bill. The second half makes it well worth it, whatever the first half might be. The first half, there is not much to it, but it is kind of harmless. So, I have no trouble to support this bill.

Thank you, Mr. Chair.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KENT:** Thank you, Mr. Chair.

I want to thank members opposite for their participation in the debate so far this evening. Before we get too much further, I will try and answer a few of the questions that have been raised – the legitimate and sensible ones anyway.

For the Member for St. Barbe to refer to young people in this Province who want to play a meaningful role in their communities, to refer to them as kiddies, Mr. Chair, that shows what kind of respect the MHA for St. Barbe has for young people in this Province. It is disgusting. To make light of an initiative that now there are members on all sides of this House supporting, which is a pleasant change and good to see; but to have him refer to young people in such a disrespectful fashion, Mr. Chair, it is insulting to the people of the Province.

**MR. J. BENNETT:** A point of order.

**CHAIR:** The hon. the Member for St. Barbe, on a point of order.

**MR. J. BENNETT:** Mr. Chair, the minister said he was answering some questions. I would like to know what question he is answering.

**CHAIR:** There is no point of order.

The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** I take exception to his comments, Mr. Chair. He may stand to interrupt me again, but there will be plenty of opportunity for him to speak this evening. I would encourage him to withdraw the statement. I would also encourage him to apologize to young people in this Province.

Through the course of debate on Bill 6 – and I sense a change from members, which is certainly –

**SOME HON. MEMBERS:** Oh, oh!

**CHAIR:** Order, please!

The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Whenever the Member for St. Barbe is ready, Mr. Chair, we can carry on. Thank you for calling him to order. You will probably have to do that multiple times this evening as well.

As I was saying, I would encourage him to withdraw the comment. I would encourage him

to apologize. I am pleased to see that there is support from members opposite for this legislation.

To answer some of the questions that has been raised, the Member for Bay of Islands inquired about how long somebody could serve as a youth representative. We have not been prescriptive in this legislation. We want municipalities and we want communities to set parameters to make sense for their communities.

Municipalities, as I have said many times during this debate, have been asking for decades for enabling legislation. That is exactly what this is here. We are going to provide lots of support and guidance. We will provide recommended best practices around length of term, how youth are selected and elected and all of those types of things, how to effectively integrate them into the debate and into the council process. We are actively working to develop the training resources right now, Mr. Chair, to make those available to municipalities around the Province. I hope that adequately addresses the question raised.

It was mentioned by a couple of members opposite that Municipalities Newfoundland and Labrador was consulted after the fact. I can tell you with certainty, Mr. Chair, as can the previous minister who was the first to consult Municipalities Newfoundland and Labrador two years ago, that it is just not true. I have had very productive, positive discussions with Municipalities Newfoundland and Labrador in recent months. I met with the board of directors to talk about this issue. I went to the municipal symposium in Gander just a few weeks ago and spoke at length about this. I had an opportunity to speak with municipal leaders from around the Province and got a true sense of the level of support that exists for this piece of legislation, which is why I am encouraged by some of what I have heard so far tonight.

I have dozens of endorsements of people who have written, tweeted, and commented online in various forums to support this initiative, particularly as it relates to the youth engagement piece. I am pleased with the level of response I have received from municipal leaders as well, but to suggest that municipalities were consulted

after the fact is just simply not true. It is simply inaccurate.

The Member for Signal Hill – Quidi Vidi made a comment around uptake and the fact that in some jurisdictions there has not been considerable uptake. She is correct that there has not been considerable uptake. There are some jurisdictions that have tried this and have had several municipalities take part. I would hope that given the level of public attention that this debate has generated, that we will get considerable uptake in Newfoundland and Labrador.

We have an opportunity here to show leadership. We have an opportunity here to lead the country in terms of youth engagement in local government. That is what I expect our communities will do. We have a number of municipal leaders around the Province, from Happy Valley-Goose Bay to Logy Bay-Middle Cove-Outer Cove and lots of places in between, who have said this is a good idea and this is worth considering. I am happy to speak further to that if required tonight.

To the member's point, I think there is a lot we can do to encourage uptake. I also think that through the training, support and resources we provide, through the Office of Public Engagement and through Municipal and Intergovernmental Affairs, that we will be able to have a positive impact on the number of communities that take the initiative here.

We are also looking at hosting a youth forum this fall in conjunction with the Municipalities Newfoundland and Labrador convention. I think it would be a great opportunity to bring together young people interested in local government from every corner of Newfoundland and Labrador to have an informed discussion and debate on how we can really make this work and how we can get even more young people engaged in other ways in their local communities.

The Member for The Straits – White Bay North asked about young people participating by electronic means. I understand the point he is making, and I understand the question he is raising. The intent of that particular provision related to allowing council members – young

people will not be council members – to participate by electronic means is to enable them to achieve quorum. It is to allow councillors who, for work reasons or other reasons, cannot physically participate in a meeting. They will still be able to vote through electronic means. That is the intent of the provision. It is completely separate from the provision that will allow young people to participate in the public debate of public council meetings. I do acknowledge this point, and I hope that clarifies the matter he is raising.

In terms of the broadband concerns, though – and this came up during our 911 debate, as you will recall, Mr. Chair – we are working hard to expand broadband services throughout Newfoundland and Labrador. We have made great progress through our Rural Broadband Initiative, but to participate by electronic means, in the sense that is laid out here in Bill 6, does not require broadband, it requires a phone.

All you have to do is be able to call in and you will be able to participate. Now, if you can participate through some kind of Web cast or some kind of Web conferencing tool, that would be great, and that would perhaps be preferred by some communities. To actually enact this provision all you really need is a phone. That will make it available to any municipal councillor who wishes to avail, provided the council makes the decision.

As for the questionable comments by the Member for St. Barbe, showing disrespect for this process –

**CHAIR:** I ask the hon. Minister to speak to the legislation, please.

**MR. KENT:** I will be delighted to do so, Mr. Chair.

**CHAIR:** Please, thank you.

**MR. KENT:** I think the piece of legislation is good for young people. I think it respects the potential for young people to do great things in their communities. I thank members for their questions tonight.

**CHAIR:** The hon. the Member for Cartwright – L'Anse au Clair.

**MS DEMPSTER:** Thank you, Mr. Chair.

I am happy to stand and speak again for a few minutes to Bill 6. I want to say from the get-go, I do not think there is anybody in my caucus who would not want to see youth avail of every opportunity they can get. Absolutely, our youth are not the leaders of tomorrow, the youth are leading the way today, Mr. Chair. As somebody who sat, I feel that I bring a lot of knowledge and experience from my background in municipalities, and sitting on the MNL board.

Mr. Chair, I have spent a lot of time with youth. Youth do have something to give, they are very bright. One of the issues that I have with Bill 6, and that many people in my district have, is that by appointing a youth it seems to demean the democratic process. Why can't a youth go through the process of being elected, like they can – I remember my daughter, I think she was ten or eleven years old the first time she ran for school council. It was a fantastic experience for her to go through.

She had to go around the classes in school; she had to drum up support. They went to the gym, they gave their speeches and the people voted for who they thought were best. I do not know why we would have a body here that is all elected, they go through the process of being elected, but then we are going to take an add-on and we are going to appoint them. I mean we are talking about youth, how bright they are and how intelligent they are. Why not give them the democratic experience and let them run through and become elected.

Also, Mr. Chair, I want to reiterate again it is not about anybody saying no, this is not a place for youth. Youth, I have no doubt, can contribute. Some of the questions I have been asked – and I just spent the last four weekends travelling from one corner of my district to the other; six graduations and one section of the road was very bad, the rest was good. I hope we are going to get that one section finished. I digress, I am being distracted here. I apologize, the lateness of the hour.

I just attended six graduations. Some of the questions I was asked by young people were I would be happy to run if I had the opportunity to run and be fairly elected. I would feel like I ran

against my peers. Why don't I have that opportunity? The other thing was if they want, if they feel that it is necessary to have a youth on council why don't I have a vote? Why am I not going to be valued? Those are good questions, bright, sharp young people. Why don't they have a vote if they are going to be there? Let them run in a democratic process and then let them have a vote there.

It is not just me, but in speaking on behalf of municipalities in my district, there is a lot of concern around the minimum age. Because this bill allows for councils to appoint a youth, and there is a lot of room there for discretion on the part of council, I believe you are going to cause division from one community to the next. Youth are very, very connected this day and age, more so than ever before.

The youth, whether they are in school or out, are on their little gadgets and they know what they are doing in the next town. If you have one town that does it one way and another town that does it another way – and I mean we all have people in town who look for things sometimes to gripe about. They would be, so-and-so's son or daughter did not get on. They would be happy to go to that municipality and say, how come our person did not get on this way, they had to go through that, but in a neighbouring town they did this?

Why couldn't we have definite parameters around it? Why aren't we doing things to support municipalities instead of coming in with sections of this bill that are very weak and that I believe are going to strain municipalities? I mentioned that before, it is going to give them headaches in areas where they certainly do not need it.

The other thing is, we know they have to be under eighteen but we do not see any term, no time. Does that mean that somebody can get on when they are eighteen and be there for twelve years? Then you have a thirty-year-old who is sitting on your council and they cannot vote; it is not valued. I do not know what the answers are around that. I know that each time I have picked up the bill and read it I seem to have more questions than answers.

I think the technological piece is great, if you can participate by Skype and things like that. One of the mayors, who was in the Miller Centre when I was there last fall, could not wait for it. It was wonderful. He was laid up for months in a hospital, but he wanted to be actively engaged and attend council meetings. It is great for those people.

I do have to echo some of the concerns that one of my other colleagues mentioned when he was speaking to this bill back in April. In our small towns, as councillors, we do have to be very hands-on much of the time simply because you might have a maintenance man at best. You might only have a part-time maintenance man. A water break happens at 10:00 o'clock or 11:00 o'clock at night; usually it is councillors who are down, sizing that up. We do not have the luxury of calling people in like larger areas.

I would be concerned that some people, if they are away for months and months and months and they only ever attend by Skype – then I do not know what the parameters are around that. That could certainly leave the rest of the councillors who are in that community strained, as someone is still officially on council but they are only participating by Skype. There are benefits to that, but there are also areas that I have of concern there.

Certainly, I do not know why this bill was tabled as it is. I really do not know why. We have school councils where students run to be elected. I do not know why it was put here with no minimum age. There are just way too many loopholes in this legislation, Mr. Chair. I do not know why all of a sudden this government and the minister have dared to step outside and appoint a board that historically has always been elected through the democratic process.

I just wanted to go on the record and voice the concerns that I heard when I was in my district. Concerns both from the municipality side like oh my, are we going to have to have a youth? If they are not here, they cannot vote. What am I going to do if so and so says something and we realize that something confidential has been said in the presence of that youth? What is the provision around dealing with that once something confidential has been said and it was

not meant to be said, but that person is there sitting at the table and they do not have a vote?

Then there is the other concern from the young people. If I am going to give up my time - because their time is valuable too; they have pretty busy schedules - and participate on council, why doesn't my time count? Why can't I have a vote?

We are moving in the right direction on Bill 6, but I believe that it was put together in a hurry. There are a lot of things that were not thought out, Mr. Chair. Hopefully, as we go forward, there will be some amendments that will strengthen this piece of legislation. We are certainly moving in the right direction, but we are not there, in my opinion, and the opinion of the people in my district, with the wording as it stands right now on Bill 6.

Thank you, Mr. Chair.

**CHAIR:** The hon. the Member for St. John's North.

**MR. KIRBY:** Thank you, Mr. Chair.

I will just have a few additional words to say to Bill 6, An Act to Amend the City of Corner Brook Act, The City of Mount Pearl Act, the City of St. John's Act and the Municipalities Act, 1999. I believe the last time I participated in the debate on this was just prior to - I do not know if it was the Easter break or maybe it was before the May 24 weekend. Either way, it has been some time since I had an opportunity to comment further on this, because it was not really clear when we broke where this was going to land. I know that, as I had said in the debate the last time, Municipalities Newfoundland and Labrador had not really come onside with one of the provisions in this, which I will briefly mention. They were very much in favour of the other.

The one that I certainly have no hesitation in supporting - the one part of this bill - is the part that allows for the use of remote technology basically; electronic means like Skype and so on to bring people who are not present into council chambers for a meeting. I do not know if I am behind the times or not, Mr. Chair. A few years ago, I was away at a conference. I was in a

coffee shop one morning having a coffee. There was a woman sitting there and she had her phone up like this and she was talking into the phone. I thought that looked rather strange, like somebody from *Star Trek* or something.

I sort of looked around and you could see the other person, they could obviously see her, and this was this Face Time that you can use on your iPhone to actually see the other person talk back and forth. I fancy myself to be up on technology, but I certainly was not up on that. Of course, today people are using Skype and those sorts of technologies to connect with one another with a lot of frequency, and you do not have to have a high degree of proficiency in a lot of cases to be able to operate that technology. You can just press a button, for most people, and use it. So it is a really good use of technology. It brings us further into the modern world and, of course, that is where we want our municipalities to be operating is with the latest technologies and that has lots of positive benefits for us.

To say nothing of people who are, through no fault of their own or through a choice of their own, working outside of their home communities, people working on the turnaround, there are programs that we have at the Marine Institute that are purposely set up. We know that people will go and they will be away from home for long periods of time -

**CHAIR:** I remind the member to speak to the bill and the amendments, please.

**MR. KIRBY:** Absolutely, Mr. Chair.

Those people are away for long periods of time, but they want to be engaged and participate in municipal governance. If they cannot be present, we have to try to find a way to bring them in. Much like distance education allows people to come to the classroom when they are not present. So, I really think that is a very positive piece of this. I am glad to see it is done. I am glad to see that it is something the Municipalities Newfoundland and Labrador is supportive of.

Now, the other part that I am still a bit skeptical of - but I can be convinced, if the minister is able to convince me - is that youth provision. I

noticed after we broke when we were discussing this a while back, there was a lot of activity on social media and members of the government side were on their saying how dare and shame on the Opposition members for not supporting youth and all of that foolishness. Nothing could be further from the truth.

Of course, everybody here in the House of Assembly, in this Chamber, supports our young people, wants to engage with them and give them more opportunities to find leadership roles in our communities and contribute and give back just the same as people who are older. So, we all feel that way. It is just the question of whether or not this provision is true participation or something that is approaching something more tokenistic.

I will give you an example. I was talking to a municipal councillor – and I will just say it is somebody who sits on a council on the Northeast Avalon – just that day in fact. This person said to me –

**AN HON. MEMBER:** (Inaudible).

**MR. KIRBY:** Do not start throwing out names, I say to members opposite, because I am not going to acknowledge who –

**AN HON. MEMBER:** (Inaudible).

**MR. KIRBY:** No. Anyway, sorry, Mr. Chair, I am getting a bit distracted there by the game of – so I will just try to clue up as quickly as I can, if I may.

I was talking with that municipal councillor and we were talking about this whole issue of whether it is true participation or not. There are all sorts of sensitive issues that municipal councils have, that town councils, community councils, city councils have to deal with on a regular basis, especially associated with human resources issues, hiring and firing, and all sorts of personnel and personal issues that involve privacy that it seems to me, from reading this, that the youth representative would not really be privy to, would not be able to participate in.

It is almost like youth are being invited to half participate in municipal governance, unless they are old enough to run for a regular position and

seek that position out. I know the Member for Mount Pearl North, the Minister of Municipal Affairs, was a young person who was elected to municipal council, to a regular position. We all acknowledge that. It was a significant achievement for him at the time.

I just find it odd that he is the minister who is proposing Bill 6 which, in my opinion, is almost like a half measure. If was going to give this a grade, I would give it an E for effort, because it is sort of there but it is not really there. I think if we want to really genuinely have youth involved, maybe there are different ways of doing that. I just wonder if the minister considered that there be a regular youth position on council or something a little more substantive, something that is a little more – I do not know if we can use the word official, but something that seems less tokenistic.

This really seems like we are just having a young person there just for the sake of having them there. Just having them there is really not enough. If you are saying well, you are not old enough to participate in these serious discussion, they are adult discussions – and I think the characterization of the Member for St. Barbe is probably right in some ways because you are suggesting to that young person that they are too immature to participate in those discussions.

You are good enough to be here in this appointed position when we see fit to allow you to be in the room. If we deem that the nature of the discussion is too mature or too adult for you to participate in, then you will have to go sit at the kiddie table for the duration of the period of time that we are going to be discussing these mature and adult matters. Then, after that, we will open the door and you will be allowed to come back into the room.

There is the exclusive club, which is the regular members of city council, or town council, or community council, and then there is the youth representative who is permitted to participate in a portion of the discussion. I think that is really the difference.

When we were talking about this before the break I do not think anybody was suggesting that young people should not have an opportunity and we should not try to find ways

to engage, involve them, and include them. I think what we were trying to say was that this was really sort of like a tokenistic half measure that really ends up accomplishing we are not sure.

I remain open minded about this as always. I am certainly willing to be convinced. I have not heard a whole lot of outcry in the recent days, at least from folks on municipal councils. I think many of them are rightly concerned about this.

Maybe it is like one of those things, you just do not know until you give it a try. I cannot really see it doing any harm. Like I said I would like to hear how the minister justifies this as being something that parallels the other positions on council because I really do not think it is. I am certainly open to hearing more about how it is that this is going to work.

Thank you, Mr. Chair.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KENT:** I just wanted to respond to a couple more of the questions and points that have been raised.

Both previous speakers referred to the confidentiality issue. The bill is quite clear that youth representatives will participate in the public council meetings. That does not enable them automatically to participate in privileged meetings or Committee of the Whole sessions of council. It simply enables them to participate in public debate within the public council meeting. If there are issues where council members are concerned about sensitivity then they probably would not raise those issues in a public council meeting where they are a matter of public record.

In terms of the comments made by Member for Cartwright – L'Anse au Clair, it sounds like she is calling for us to be more prescriptive in the legislation. I assure her and I assure other hon. members that we will provide lots of advice on best practices, lots of guidance, and lots of suggestions on how this could get implemented. We do not intend to be very prescriptive in the

legislation. That is by design. That is very deliberate.

In terms of electing youth representatives, again, we did not want to be prescriptive. We are allowing councils to define their own process and we would encourage them. We will be recommending this through the guidelines, the standards and so on that we roll out.

We would encourage them to come up with a democratic process for selecting the youth representatives. They could work with their local schools; they could work through their local youth organizations. There are a number of ways that it can be done, and we want to give communities some flexibility to make sure they come up with a solution that best meets their needs.

I would remind the Member for St. John's North that this is only one measure. This is only one way of enabling young people to get more engaged in their communities. It does not prevent communities from pursuing all kinds of other ways to get young people meaningfully involved, and we would absolutely encourage that as well. I hope that clarifies a number of the points that were raised.

**CHAIR:** The hon. the Member for St. Barbe.

**MR. J. BENNETT:** Thank you, Mr. Chair.

These fourteen, fifteen, sixteen, and seventeen year olds, or however old they are – and Mr. Chair, I will try to ask the minister some questions this time so that when he launches into a diatribe at least he can pretend he is answering some questions.

These young people we are proposing to put sort of almost on council, I would suggest that we not give them any chainsaws, because they might not have sense enough. They might go cut down all the trees and historic buildings in those towns. That would be really unfortunate if they were to do something like that.

Anyway, I ask the minister, did he have any input from any youth groups regarding the first half of this bill? If so, who were those youth groups? Also, does he contemplate what would be the maximum number of people? I know it

says youth representatives, and I take it that means more than one, but is thinking he could limit the number, or could he potentially have five councillors and seven youth? Could he have a whole room full of youth who would all be okay to be appointed? He has not given any direction in the bill. I would like to know if he has any sort of an idea of how many would be the maximum, or if he would put that in a regulation, since he is going to go this far.

Also, has the minister given any consideration to the minimum age? We know it has to be under eighteen, seventeen, sixteen, fifteen, fourteen, thirteen, twelve, or younger? There is no minimum age. I would ask the minister if he would give some direction at least in Hansard, so that councils would have some sort of an idea of what he is thinking. The legislation does not show that he is doing anything.

Mr. Chair, the young person would not count for quorum, and I suppose that is okay. What is more troubling is that youth representatives will not have access to confidential information and will only attend regular council meetings. Does that not smack of tokenism? If the young person was eighteen years of age and duly elected, then that person would have full access to confidential information. If the person is seventeen-and-a-half and appointed, they would not have access to confidential information.

Why does the minister have so little faith in our young people that he would want to put them on council in only a token gesture? If he is to make this real and meaningful, why doesn't he extend to them with the exception possibly of voting – because they would not be elected – the full privileges of being a municipal councillor?

The minister says that council has discretion as to how to select the persons who would be appointed as these young people on council. I would ask the minister, could he throw out some ideas of what council might consider because they may get off on the wrong foot. It would be really useful if the council had some kind of an idea of what they need to do to please the minister to make his legislation at least appear meaningful, because it certainly is not very meaningful.

He calls this a first step. It is a first step in this Province and they have taken a first step in Saskatchewan, Manitoba and the Northwest Territories, two provinces and a territory. I ask the minister if he has any insight, for anybody who is watching, as to why they haven't they introduced this in Prince Edward Island? Why haven't they introduced it in Nova Scotia? Why haven't they introduced it in New Brunswick? Why haven't they introduced it in Quebec? Why haven't they introduced it in Ontario? Why haven't they introduced it in Alberta? Why haven't they introduced it in British Columbia? If it was a first step, that step has not been taken by eight provinces or two of the three territories. Why is it such a good first step here? Why are the others not doing it?

Mr. Chair, I will take my seat now and let the minister have an opportunity to answer the questions if he wishes.

**CHAIR:** The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Thank you, Mr. Chair, for the opportunity again to speak to Bill 6.

I just have a couple of further questions. The last time he was on his feet, the minister had talked about making this process more democratic, but there is nothing prescriptive in the legislation. Legislation is about clarity and making things so that they are concise. You could see any individual council create a multitude of different ways to either appoint or go through some form of an election to get a youth.

The minister had talked about how to reach out to youth through a youth forum and things like that which would happen at a municipalities conference, but there is a bulk of youth in Newfoundland and Labrador who will not have the option to participate at all on council because of the geographical location where they live. They are not part of a municipality. They either live in a local service district or an unincorporated community. I, myself, am a youth in the definition of the term that is used in youth. Maybe the minister still qualifies under that terminology as well.



Even so, when we look at the limitation, I guess, of where we are not organized in all communities in Newfoundland and Labrador, some youth do not particularly have that opportunity to look at being part of a council, being part of that governing structure, just because of where they live.

It would be an opportunity if we could move forward either around some level of organization or how those youth would be able to have some sort of participation when we talk about a regional level of governance as well. I know, growing up in the community of which I live, there is no opportunity for youth to run for council, or to participate, or play that role in community development when it comes to being part of a council.

There are other opportunities certainly to get involved. Youth in these communities, these unincorporated or local service districts, do become involved in other aspects of community living and trying to make life better in the communities that they represent.

I think it goes to say to what a number of other members here in caucus are saying is that the position in the legislation itself does not give youth the right to vote, and it does not allow them to be part quorum in a council position. I ask the minister – and these are very legitimate questions as to they can participate in deliberations on the term and condition of council, so there is no clarity as to what minimum participation these youth can have.

Does that mean that a youth could put forward agenda items? Can they make motions? Can they be a Chair or sit on an associate committee? Because there is nothing defined, or a definition, in the legislation? It is very broad. Not to have any type of guidance – I guess it would have been very nice to see this guidebook or the discussion that the minister talks about put forward for the Members of the House of Assembly to review, and to also have that dialogue with the municipalities so that when legislation is passed, it is passed so that the legislation is clear, it is concise, and it prevents ambiguity.

We want to allow our youth to be very active across Newfoundland and Labrador in all of our

municipalities, in all of our communities, and be engaged. We do have significant challenges. When you see legislation that is not clear, that just leaves it open to wide interpretation, then this is why you get this type of debate happening in the House of Assembly. It certainly does not have to be that way, but I just would like the minister, if he could, to clarify if youth will play any type of meaningful role; because, a municipality may let them sit as a youth liaison, but they may not be able to put anything on the agenda. Depending on what restrictions are put on them, they may just be able to sit there. Maybe they will be able to have some discussion, but they cannot vote. That is a bit of a challenge.

I think from what I have heard from members here on this side of the House, they would like youth to have a greater voice in their community and in community decision making. That is where having a vote certainly counts.

I put forward those things for the minister as a final piece that I wanted to state, just because of where I live and the fact of the limitations that are there for certain youth, so that when you go into the schools, you have to be cognizant that not all youth who are attending these schools live in municipalities. There are only about 270-something municipalities; there are several hundred local service districts, and many more just unorganized communities. So this is something that, as well, needs to be part of the discussion and dialogue as you move forward.

I am all in favour of youth learning more about civics and learning about municipal governments and learning about provincial governments and governments at any level and being involved. I have been involved myself, as the minister was part of a youth advisory committee in the City of Mount Pearl.

When you get youth involved in communities – I think when this whole debate came about, one of the Political Science professors made the statement that this will engage the youth who are already engaged; but we want to make sure that we reach out to those who may not necessarily be engaged and understand everything that is involved in the municipal political level, and we need to see that outreach and how that is going to happen.

I just want to be sure and put that out there for the minister to be cognizant of some of the limitations when you try and go broad based. You are not reaching out to everybody because there will be some limitations.

Thank you, Mr. Chair.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Thank you, Mr. Chair.

I will now respond to a number of points that have been raised. I have calmed down again since listening to the Member for St. Barbe. He opened by talking about not giving young people chainsaws. That is how seriously he is taking the debate this evening. I applaud some members opposite – I guess I applaud every other member opposite for taking the debate seriously this evening. He can get on with that foolishness in this debate and not be called on it, it is ridiculous.

He asked about minimum age. We will certainly provide guidance in the guidebook that is developed. It is definitely our intention to provide guidance around minimum age, but we did not want to be too prescriptive in this legislation, Mr. Chair. We believe that our municipal leaders around this Province are capable of making decisions that are good for their communities and we did not want to place too many restrictions on them in doing so.

The Member for St. Barbe referred to tokenism. I sincerely believe that what we are doing here moves us beyond tokenism. We do have youth committees and other forms of youth engagement that exists in our communities, as the Member for The Straits – White Bay North previously referenced, and some of them are effective. I found from my own experience, having served on one for four or five years, that it was quite challenging to get beyond tokenism at the youth advisory council that I served on. That said, there were some issues that we were able to advance and I feel really proud of that, but I really believe that this moves us beyond tokenism. This is about getting young people actually engaged in debate where it matters, in the chambers of our councils right across the Province.

The Member for St. Barbe asked: Why aren't certain other provinces doing this? Well, I would ask: Why can't we be a leader? Why do we need to be the ninth or tenth province in Canada to enact a certain piece of legislation? This is an opportunity for us to show leadership. I believe that other jurisdictions can learn from our example here. I think we are well positioned to be successful in this regard.

**AN HON. MEMBER:** (Inaudible).

**MR. KENT:** I am being heckled by the Member for Signal Hill-Quidi Vidi – the anti-heckling MHA. To her earlier comment in terms of – now her heckling has caused me to lose my train of thought; that is terrible. I think there is an opportunity for others to learn from our example, and I believe that is what we will do through this piece of legislation.

The Member for The Straits – White Bay North talked about how these young people cannot vote. Well, they cannot vote because they are not elected. They are not elected in our democratic system as members of municipal councils, so therefore they cannot vote. He asked whether they can make motions. Well, you would have to be a member of council to make a motion and vote on a motion in a council meeting, but they can fully participate in the debate that happens during a public council meeting, which I think is important.

He referenced the guidebook. The reason the guidebook is not developed is that we want input from young people and we want input from municipalities. We will work co-operatively with Municipalities Newfoundland and Labrador, we will work with interested youth organizations, anyone else who wants to have input for that matter is welcome to do so, but we will work with Municipalities Newfoundland and Labrador and youth organizations in ensuring that their views and their ideas are reflected in the training and resource material that we do create.

I hope I have covered the questions that have been raised and, again, in all seriousness, I do thank members for their participation in the debate.

**CHAIR:** The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Mr. Chair, I have just a couple more questions for the minister. They are very specific questions around the fact that this will allow a councillor to attend by electronic means and count as a quorum.

Based on the Municipalities Act, there would be a limitation as to how many regular meetings they could miss. By attending by an electronic form, will that count or will you eventually see a councillor dismissed? Because we have seen in the past where those who could not make regular meetings have been dismissed, based on the Municipalities Act section there. I do believe that this is meant to enhance participation, not limit it. I just want a piece of clarification on that.

I think that it is really great to allow a councillor the opportunity to count as a quorum. I sat on committees here in the House of Assembly and came in by telecommunications and that does not allow you to legitimately have a vote or count as the quorum. You can participate in the dialogue and in the discussion. That might be something that would be looked at as well for members of this Legislature to enhance. If the minister could clarify that point, I will not have any further questions on this piece of legislation.

Thank you.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Sorry, I will ask the hon. member for a little bit of clarification. I am asking the hon. member: Is he suggesting that young people count in terms of quorum? I did not quite grasp the concept he is presenting. I am just wondering if he could speak to it quickly again, Mr. Chair.

**CHAIR:** The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** No, this particular matter would not have to do anything with youth; it would be the councillors who would be calling in by electronic means. If the councillor would be counted for a quorum and they would

continuously go to consecutive meetings, say if they went for five or six meetings in a row, is there a maximum amount which they would be attending by electronic means before they would, based on the Municipalities Act, have to vacate their seat? There is a section of the act where if somebody misses three regular meetings, then they can be removed from council. I want to know if the electronic means where they do count for quorum, if that would allow them to continue.

I do believe that the legislation is meant to be inclusive and participation not to exclude; but I just want that clarification for the record and here in the House if that indeed is the case, or if there is a limit to the number of electronic meetings that somebody could attend that is counted as a quorum. I hope that clarifies.

Thank you.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Thank you, Mr. Chair.

I thank the Member for The Straits – White Bay North for his clarification. I do understand and appreciate the point he is making and I will do my best to answer the question.

The other provisions that exist in our Municipalities Act and in the various cities acts still apply. So if you cannot be absent for more than three meetings, consecutively – you could participate in all of those electronically, there is nothing prohibiting that. If a council allowed electronic participation, then that would count as participating.

You cannot be absent from your community for more than a year. So if you participated in all the meetings electronically, which a council would have to allow – the other important point is that a council, an individual council, can set whatever parameters it wishes. So a council could say you can only participate in so many meetings electronically; but if, for instance, a council said you can participate in all the meetings electronically, you would still have to meet the requirement under the Municipalities Act that says you cannot be absent from the community for more than a year or your seat is

declared vacant. So those other provisions in our municipal legislation, both the Municipalities Act and the cities acts, still apply.

I think I have addressed the member's point. I thank him again for the question.

**CHAIR:** Shall clause 1 carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, clause 1 carried.

**CLERK:** Clauses 2 through 9 inclusive.

**CHAIR:** Shall clauses 2 through 9 inclusive carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, clauses 2 through 9 carried.

**CLERK:** Be it enacted by the Lieutenant Governor and House of Assembly in Legislative Session convened, as follows.

**CHAIR:** Shall the enacting clause carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, enacting clause carried.

**CLERK:** A bill, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act And The Municipalities Act, 1999.

**CHAIR:** Shall the title carry?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, title carried.

**CHAIR:** Shall I report the bill without amendment?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

Motion, that the Committee report having passed the bill without amendment, carried.

**CHAIR:** The hon. the Government House Leader.

**MR. KING:** I am sorry, Mr. Chair. I am caught up in the NDP leader watching videos over there.

Mr. Chair, I move, seconded by the Minister of Finance and President of Treasury Board, that the Committee do rise and report Bill 6, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act And The Municipalities Act, 1999, Bill 6.

**CHAIR:** The motion is the Committee rise and report Bill 6 without amendment.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay'.

Carried.

On motion, that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

**MR. SPEAKER (Wiseman):** Order, please!

The hon. the Member for the District of Port de Grave.

**MR. LITTLEJOHN:** Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 6 without amendment.

**MR. SPEAKER:** The Chair of the Committee reports that the Committee of the Whole have considered the matters to them referred, and have directed him to report Bill 6 passed without amendment.

When shall the report be received?

**MR. KING:** Now.

**MR. SPEAKER:** Now.

On motion, report received and adopted.

**MR. SPEAKER:** When shall the bill be read a third time?

**MR. KING:** Now.

**MR. SPEAKER:** Now.

The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

At this time, once again I call from the Order Paper, Order 5, and I move, seconded by the Minister of Municipal and Intergovernmental Affairs, that Bill 6, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act And The Municipalities Act, 1999, be now read a third time.

**MR. SPEAKER:** It is moved and seconded that the bill be now read a third time.

Is it the pleasure of the House to adopt the motion that Bill 6 be now read a third time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Motion carried.

**CLERK:** A bill, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act And The Municipalities Act, 1999. (Bill 6)

**MR. SPEAKER:** This bill is now read a third time and it is ordered that the bill do pass and its title be as on the Order Paper.

On motion, a bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act And The Municipalities Act, 1999", read a third time, ordered passed and its title be as on the Order Paper. (Bill 6)

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you once again, Mr. Speaker.

At this time I move, seconded by the Minister of Municipal and Intergovernmental Affairs, the House resolve itself into Committee of the Whole to consider Bill 1, An Act Respecting Public Interest Disclosure.

**MR. SPEAKER:** It has been moved and seconded that this House do resolve itself into Committee of the Whole and that I do now leave the Chair.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Motion carried.

On motion, that the House resolve itself into a Committee of the Whole, Mr. Speaker left the Chair.

#### Committee of the Whole

**CHAIR (Littlejohn):** Order, please!

We are now considering Bill 1, An Act Respecting Public Interest Disclosure.

A bill, "An Act Respecting Public Interest Disclosure". (Bill 1)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

The hon. the Member for Virginia Waters.

**MS C. BENNETT:** Thank you, Mr. Chair.

I am happy to stand in this hon. House this evening and speak to a very important piece of legislation that has been long overdue. I think, if I remember correctly, we are the eighth Province in Canada – maybe ninth – to adopt whistleblower legislation.

Mr. Chair, I wanted to enter in the discussion some information from the Centre for Law and Democracy with regard to their observations about the Newfoundland Public Interest Disclosure and Whistleblower Protection Act, some information they released earlier this week regarding some questions they raised around the piece of legislation. In particular, one of the first items, as I mentioned earlier, was that they recognized this legislation is long overdue and that Canada, as a country, and eight of nine other provinces, have already established legal protection for whistleblowers.

They recognize this is a step in the right direction, but the most serious shortcoming and failure of Bill 1 they say is to protect employees who report wrongdoings in the private sector. The fact that Bill 1 exempts deliberations also of Executive Council from its ambit is also a major problem, especially given that this legislation only applies to a limited area. Many jurisdictions around the world and in Canada have included private sector in their legislation and the Centre for Law and Democracy suggests that Bill 1 should be expanded to protect private sector whistleblowers. So I would ask the minister if he would clarify why that was not a consideration as part of this piece of legislation.

At a minimum, the suggestion is that Bill 1 be expanded to cover private bodies which are controlled or substantially financed by public

bodies or which carry out the statutory or public function. When it comes to organizations that are funded by the provincial government, organizations that have accountability from a financial perspective to the provincial government, it appears that Bill 1 does not cover those employees who may work in the private sector in those organizations.

The other recommendations the Centre for Law and Democracy also speaks about are specifically around excluding information on Executive Council deliberations, and they would suggest that be removed. They also suggest that section 11.(1)(b) which excludes information covered by solicitor-client privilege from the ambit of protection should be limited in cases where an individual, rather than a public body, holds privilege.

They also suggest that section 2.(h) should be amended so that it no longer excludes Memorial University, and that section 28.(b) which allows for regulations exempting other legislation from the ambit of law should be also removed. It then goes on to talk about the reporting mechanisms, particularly the reporting mechanism that is established in the legislation which is to report to the Citizens' Representative.

Part of the feedback is there may be situations where, due to public safety, it is the responsibility of the – and certainly the motive of the individual who is coming forward to talk about a wrongdoing, that it is in the best interest of the people of the Province that it be reported publicly, outside of just singularly the Citizens' Representative. Things that would relate to public safety, the safety of people's assets, the safety of people's lives, those types of things, may require disclosure, and somebody may feel moved to disclose using the media.

In this particular legislation, that activity, which would be maybe deemed by the individual to be in the best interest of the public, would not be covered as part of our reporting mechanism as it is outlined. Their suggestion is that "Bill 1 should provide protection to employees who, reasonably and in good faith, make public disclosures under certain circumstances, including where the harm is of an exceptionally serious or urgent nature, or where reporting to

the Citizens' Representative is unlikely to be able to resolve the problem."

A practical example of this could be the situation that happened in Walkerton a number of years ago where water and water maintenance systems were highly contaminated and resulted in serious illnesses and death in the community. As was said earlier, there could be a situation where a private supplier or private contractor may be aware of actions that are not in best interest of the public and may feel the moral need to be able to talk about it.

Defining wrongdoing is another area where the Centre for Law and Democracy feels there is an opportunity to strengthen the legislation. Its recommendations include, "Abuses of authority, breaches of a code of conduct and miscarriages of justice should be added to the list of wrongdoing in section 4(1). Section 4(2), which limits protection to disclosures about future wrongdoings, should be removed."

That speaks to the conversation, Mr. Chair, that many of my colleagues have spoken about on this side of the House which is about the issue of retroactivity, and the issue that every single piece of wrongdoing that somebody may feel is important to disclose really does not start, and the legislation does not cover the individuals, until July. This is problematic for a lot of people who are concerned that open and transparent government should be the goal for us here in our Province.

The Centre for Law and Democracy goes on then in its final recommendations to say, "The law should provide whistleblowers with protection not only against employment related reprisals and sanctions under laws prohibiting the disclosure of information but more broadly with protection against legal sanctions in the context of protected disclosures. Section 7(2) should provide for the exposure of the identity of a whistleblower for purposes of an investigation only where the overall public interest favours this." It goes on to say, "The Labour Relations Board should have the power to award compensatory damages beyond direct costs in appropriate cases."

As the minister knows, "The Centre for Law and Democracy is a non-profit human rights

organisation working internationally to provide legal expertise on foundational rights for democracy". I would ask the minister to respond to those recommendations with his thinking on why those pieces and those recommendations cannot be – and I am assuming they cannot be – incorporated into this legislation before we enact it as a law of the land.

Mr. Chair, thank you for the time.

**CHAIR:** The hon. the Member for St. Barbe.

**MR. J. BENNETT:** Thank you, Mr. Chair.

Why do we need whistleblower legislation? It may look like it is for the protection of the whistleblower, when in fact it is not for the protection of the whistleblower. The reason we protect whistleblowers is it is in the public interest that whistleblowers inform our government, inform our authorities that there is wrongdoing going on. Without the protection of legislation, there is absolutely no incentive for somebody to come forward and talk about contracts being improperly let, contracts being improperly cancelled, trees being cut down on historic properties. All types of things, that if somebody thought something was not in the public interest, that there was going to be a public wrong committed or a public loss, then that person would be encouraged to come forward and they would not be penalized.

There would be no retaliation against the person who comes forward in good faith in the public interest to say: Look, there is something going on here and I think you really need to check it out because this is a bad deal for the people, it is a bad deal for the taxpayers. So, unless we protect the whistleblower, we cannot expect the public interest to be advanced. Simply put, this legislation is not for the whistleblower, even though it protects the whistleblower it is for the public interest.

Mr. Chair, one of the most important, most visible, most recent examples of how whistleblower legislation could have helped us was at the end of the House of Assembly spending scandal. The House of Assembly spending scandal came about when members of all parties, all parties present were involved, and

they were implicated in wrongdoing. That wrongdoing resulted in criminal charges against a number of them.

It also resulted in a great loss, not necessarily only to the provincial Treasury – because the financial loss was high – but the loss in public confidence that people from all three parties could get together with an employee or employees and conspire and defraud the people of this Province and there was no whistleblower legislation available that somebody could have come forward with a complaint. This was highlighted by Mr. Justice Derek Green in the Green report on the House of Assembly spending scandal. His report was in 2007, which is seven years ago.

Seven years ago this fall, the members of the party opposite were elected to government. They promised in 2007, if they were elected they would introduce whistleblower legislation. The people of Newfoundland and Labrador listened to their promises, listened to their pledge and elected them, and they did not do it. They did not pass whistleblower legislation. They did not introduce the legislation whatsoever, even though Justice Green had said that whistleblower legislation was important, it could be very valuable, it could have headed off and could have avoided the House of Assembly spending scandal. Even though this government promised it seven years ago, they did not do it.

Following up on the heels of the Green report, following up on being elected in October, 2007, in the 2008 Throne Speech, which would have been the next logical opportunity for this government to introduce whistleblower protection legislation, that had provided a significant period of time, well the government did not do anything in the Throne Speech 2008. However, government then committed, again, to introduce whistleblower protection legislation after appropriate consultation had taken place.

Mr. Chair, there is nothing wrong with appropriate consultation. In fact, government ought to consult on a regular basis when legislation is proposed. That is the way we get legislation which suits the public need more fully than legislation that is just thrown together in a helter-skelter fashion, rammed through the

House with a big majority without paying much attention to what people's needs really are.

Government said in the Throne Speech 2008 that there was a commitment to introduce whistleblower protection legislation after appropriate consultation had taken place. How long should it take in a Province of 500,000 people to consult with individuals, stakeholders, and say: What do you think we should have in the way of whistleblower legislation?

The following year the former Premier, three Premiers back, reiterated government's promise to create the legislation. That was 2009. Justice Green said in 2007, if you had whistleblower legislation you might have avoided the House of Assembly spending scandal.

Government campaigned and was elected on the promise, one of the promises, of whistleblower legislation. The Throne Speech in 2008 committed again to have whistleblower legislation after appropriate consultation had taken place. In 2009, the Premier of the day reiterated all over again – government promised to create the legislation. Three years passed and nothing happened. Nothing happened by way of legislation.

In May, 2012, the then Justice Minister, who is now the Attorney General, said, "...there are problems with the legislation everywhere else the province has looked." Mr. Chair, probably the problem was anything that was looked at was outdated because so much time had passed. However, that was the commentary of the minister of the day that there were problems in the legislation everywhere else the Province had looked. I ask, where else would the Province have looked to create the whistleblower bill that we have before us?

He also said in 2012 that, "he believes the existing legislative regime in Newfoundland and Labrador may provide adequate protections for government workers." Mr. Chair, the protection is not for the government workers. In the first instance yes, protect the government workers, but the real issue is protecting the public interest so that the government workers could come forward.



Also, the view that it may provide adequate protection for government workers promotes a narrow view that we should only consider government workers in the legislation. In fact, we should consider far more than just government workers. We ought to consider private sector workers. We ought to consider former employees. We ought to consider anybody who would be a whistleblower in good faith, who would come forward with a complaint or an accusation in good faith to say there is a problem here. That person making a good faith complaint clearly should be protected by the legislation of this Province.

He also went on to say in 2012 that, “the province will continue to ‘monitor’ the situation in other jurisdictions.” Mr. Chair, most of the other jurisdictions in Canada have whistleblower legislation. Some jurisdictions have had whistleblower legislation in this and other countries for decades.

When we were earlier in debate I made reference to whistleblower legislation in the United States during the course of the US Civil War which was in the 1860s. The question is: Why hasn’t government moved forward on whistleblower legislation before now? We have this bill before us. The only conclusion can be that government likes to keep secrets, otherwise they would introduce the legislation. They have secrets. They want to keep secrets, and this is also borne out in the starting date for this bill.

The starting date for this bill is to be July 1, 2014. That does not mean the wrongdoer gets a free ride. It means there is no protection to be extended to anybody who is a whistleblower for anything that happened before July 1, 2014. All that does is it provides protection to the current government that anyone who would make a complaint ought not to come forward and make a complaint because if parts of government are committing any form of wrongdoing or oversight or misdeeds, that is something no protection is available for, and will not be available for until after July 1.

Mr. Chair, it would seem appropriate that government put the whole Province on notice in 2012 that they would accept the recommendation of Justice Green and they would introduce whistleblower legislation. So,

starting from the date where they said whistleblower legislation would be effective – everybody has known that sooner or later it would come forward. I would say it would be most appropriate that the whistleblower legislation bill should start from October, 2007 when the government who made the promise was elected by the people who believed the promise and voted in favour of it.

Those are my comments for now, Mr. Chair.

**CHAIR:** The hon. the Leader of the Third Party.

**MS MICHAEL:** Thank you very much, Mr. Chair.

I am happy to have a chance to speak again to Bill 1 because it is a pretty complex bill. On one level it seems pretty simple but there are some nuances that I have been exploring since we first had this bill come to the floor of the House.

The first thing I would like to look at is section 4 of the bill. Under section 2.(k), which is the definitions, there is the definition for wrongdoing. It says, “‘wrongdoing’ means a wrongdoing referred to in section 4.” When we go to section 4 we have a very broad, in some ways, definition of wrongdoing, but I think we have a real problem that there are some things that can fall through the cracks. I really want to speak to the minister about it.

According to section 4.(1) “This Act applies to the following wrongdoings in or relating to the public service: (a) an act or omission constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation made under an Act; (b) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of an employee; (c) gross mismanagement, including of public funds or a public asset; and (d) knowingly directing or counselling a person to commit a wrongdoing described in...” the first three paragraphs.

My problem, Mr. Speaker, is this definition of wrongdoing, even though it refers to substantial and specific danger to the life, health or safety of persons, does not specifically deal with some

situations which I think people would want to actually blow a whistle about, and which a lot of workers are really fearful of. A couple of ways of describing it would be abuse of authority. If a worker is working under a manager who is unjust, a manager who is unfair, a manager who abuses his or her authority that is definitely something which is endangering the health of the worker, but it is something that, by definition, might not be recognized under the legislation.

I am very concerned there would be a narrow interpretation of the definition that is here. That somebody wanting to blow the whistle on a manager who is actually abusing them in that way, which is a psychological abuse, mental abuse, that would also have physical effects; because somebody who is under stress experiences ill health physically, not just mentally. Stress can be caused very, very seriously in these situations.

I am very concerned that the definition as it is written is really too narrow to get at this kind of stress that is definitely a workplace hazard. It is definitely a workplace stress, and it is definitely something a worker experiences and would feel fearful about reporting. My concern is a worker may look at the whistleblower legislation and rightly think it does cover them, but then when they come forward be told: No, it is not covered by the legislation. I think this language actually needs to come into the piece of legislation. I think the language with regard to abusive authority, the language with regard to unfair treatment needs to be in there.

Under section 4.(1)(c) you have, "gross mismanagement, including of public funds or a public asset". That in itself, because of what comes after gross mismanagement, does not automatically make you think of a manager who is abusing his or her authority and not managing from a human relations perspective, that it would not be maybe considered gross mismanagement in the way the definition is written here.

I really would like the minister to say whether or not they actually considered the narrowness of this language. How can he assure the workers in the public service sector that this legislation is covering - how can he assure them this does

cover the kind of thing I have just described, which would be the abuse of authority defined in many, many ways that would be causing stress for a worker? Can the minister put on the record that his interpretation of this does include it? I really think the language needs to actually be there, but I would like to hear what the minister has to say about it.

The other thing I would like to speak to, and I do not think I spoke specifically to this in second reading, has to do with section 4.(2), "This Act applies only in respect of wrongdoings that occur after the coming into force of this Act." Now, unfortunately, there could be wrongdoings that may have happened before the act but have residual effects; the effects of the wrongdoing are still going on.

I am going to take as an example what happened when we had the whole issue around the ER/PR testing with regard to breast cancer. Let's say we had a situation like that where something prior to the coming into effect of this legislation had been going on, the actual action is over but the effects of the action is continuing after the legislation comes in. This would say that somebody who knows the effect of the action is still there and is still hurting and damaging, that the person would not be able to pinpoint when it started. I think subsection (2) should come out completely. It should not be there.

As a matter of fact, I am trying to think which piece of legislation we had in the House last week where the government allowed for retroactivity in the piece of legislation. I think in this legislation it is essential. I did talk about this in second reading. I think it is essential that this be retroactive because of what I just said.

I am really asking the minister to consider taking out subsection (2) from section 4 because it really limits. You could have something going on that was caused prior to the legislation but systemically is a major problem. You still have a major problem going on that needs to be reported but the person needs to refer to the past in order to point out why what is going on is going on.

I think it is a very serious point and I really would like the minister to consider it. I do not

think it would be too late to take it out. I would really like him to consider taking it out.

**AN HON. MEMBER:** Or an amendment.

**MS MICHAEL:** No, you do not need an amendment; you just do not need the clause in there. You do not need the clause there. If that clause is not there then nothing would limit the timing of somebody whistleblowing. There would be no time limit before or after. The before is what I am concerned about here.

By putting in what is here you limit automatically, there is no doubt. "This Act applies only in respect of wrongdoings that occur after the coming into force of this Act." Take that out and it would be automatically retroactive.

I ask the minister to think about this because I think it is quite important that it come out. Because it means there are things in the present that could have been caused by something that happened a week before the piece of legislation and a worker would not be able to have protection in bringing that forward. I think that is extremely important.

I see my time is up. I hope somebody else is going to speak. Mr. Chair, I hope the minister will in response to what I am asking him because I do have another point that I want to make. I will wait until the minister responds to what I have said.

Thank you.

**CHAIR:** The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Thank you, Mr. Chair, for the opportunity to speak to the whistleblower legislation that has been introduced.

In principle, whistleblower legislation is something that is very important. When we look at what the Centre for Law and Democracy has stated, as my colleague, the Member for Virginia Waters has highlighted a number of shortcomings with this particular piece of legislation.

I listened attentively to the Member for Signal Hill – Quidi Vidi who put forward a number of points and had basically asked for a clause of the legislation to be removed. She stated that no amendment would be needed; just the clause would have to be removed. Well, in order to actually make that legislative change we would have to put forward an amendment before the House to have that particular piece removed from the bill if it looks at strengthening the actual legislation.

One of the important things we need to look at, and the comprehensiveness of the legislation and the whistleblowing law, is basically the range of reportable wrongdoings and what is actually listed in the piece of legislation itself and also the range of institutions as to whom the whistle can be blown. There are some shortcomings in the point that Memorial University has been excluded.

We look at the institution of the Centre for Law and Democracy; that "...is a non-profit human rights organisation working internationally to provide legal expertise on the foundational rights for democracy". They state that Memorial University should be included. You look at the broad range of individuals who can have the whistle blown on them and the fact that the legislation itself puts forward a limitation on the fact as to how one raises the whistleblower piece. That is something where they would have to go to the Citizens' Rep in order to do so.

If we look at the comprehensive approach of the act as to implications of how a whistleblower is defined, it can include at a very relatively or narrow term of a public official or an office holder. It talks about, in this act, how it will protect the public office holder and also a wider range of officials but we are not adequately clear in the legislation whether that is talking about the contractors, the contractor's employees, or subcontracting that would be doing some form of government work, and even volunteers. It talks about how maybe some volunteers who are appointed to boards may be covered under this piece of legislation, and some may not.

We know there are a number of people who sit on boards and committees who are volunteers and they may be privy to information that might cause, I guess, the interest for public disclosure.

If it is not released there could be significant harm to the public interest. That is something we need to look at when we review this legislation.

Then any person, or any natural person who is above but also a client or a citizen, or a combination of those – but the legislation does not extend that far. It does not allow those where you have that dealing from a citizen or a client relationship. It does not go to that ability of protection, or combination of that protection. It is very basic in nature as to how this legislation is going to be applied and who can actually avail and have that protection from reprisal. That is something that is a bit concerning to me with the dual process not being looked at and just looking at an individual process in the piece of legislation. It is very much specified as the requirement for protection only triggered when a public official makes such a disclosure.

I wanted to put that point out and I wanted to talk about the importance of having the protection and the regime set up in place to achieve all of the objectives that would remain contentious in nature. If the Office of the Citizens' Representative is able to have the – in all scenarios going forward with the investigative process, if that would be the best mechanism to find the solution and ensure expediency when there could have been alternative measures to make sure that when we are trying to take corrective action and we are talking about wrongdoing, and we are talking about protecting the public interest, we need to make sure we have the best practice legislative model.

In previous legislative debate this evening we talked about, and the minister has talked about, how we are leading the country in this legislation. In whistleblower legislation most other provinces have already enacted legislation. This one here particularly copies the majority of clauses of another jurisdiction but limits some of the pieces that would provide some additional protections.

When we look at and review what some of the critics as well, outside of us as legislators in the House, we need to look at and prioritize whistleblower protection, which would also look

at, in this case - this is a special purpose legislation, because we already do have the House of Assembly Accountability and Integrity Act that does provide, because of the MHA spending scandal that had happened, that there is a whistleblower mechanism currently in play for those protections under the House of Assembly. This is special purpose legislation, stand-alone legislation that has been put forward and we need to look at the success for those approaches. There has been a lot of interest when we look at other jurisdictions and we look at the process of maybe what other jurisdictions of the commonwealth has done when they look at introducing their whistleblower legislation.

I just look at in 2007, which is the same time this legislation was promised by the current Administration, the labour government in Australia looked at offering the whistleblower legislation. What they did is they set up a bipartisan committee, a parliamentary committee in 2009 which was chaired by the Attorney General. In doing so, you have the ability to bring in the expertise, bring in the experience, go through that process to make sure you are getting all the pieces of the particular legislation adequately correct and look at all of the empirical research and to be part of it.

If you look at the committee work that can take place to enhance the legislation, that can be a way where a piece of legislation comes forward for debate, you may end up seeing less amendments and reduce the amount of dialogue that is happening here in the House of Assembly that would happen at the committee level to make – when a piece of legislation is put forward that it is the strongest piece possible and the public interest disclosure is put in place so that it is really protecting those it is intended to, and those are the public sector employees who are here.

I am going to have an opportunity to get further points across because I want to point out that if we look at whistleblower provisions and the intent of how it looks at protecting human rights, how it is a movement forward for open government, how proactive disclosure is key and very important, but also looking at the regulatory enforcement and the market situations. All of these type of regimes that take place and then the key to the balance of the

employees, we are only seeing this stand-alone legislation look at public sector employees.

The Member for Virginia Waters talked about how this does not include any type of private citizen. I would like clarification on if this is going to include those who sit on the boards and committees, and to what extent they would. If the minister will provide that piece of clarification that would be quite helpful. It will reduce the amount of debate I will have to put forward on this matter.

I see my time is expired.

Thank you, Mr. Chair.

**CHAIR (Cross):** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Thank you, Mr. Chair.

Thank you for the support from members on both sides of the House, a pleasant surprise this evening. I do want to respond to a few of the questions and points that have been raised. I am sure I will be on my feet a number of times during this Committee stage of debate, and I thank members for their questions and comments so far.

There was some question raised by the Member for Signal Hill – Quidi Vidi, and perhaps by another member as well, related to the definition of wrongdoing. I would just like to point out that all jurisdictions in Canada use the same definition of wrongdoing. The act is intended to apply to significant and serious wrongdoing in the public service that is potentially unlawful, dangerous to the public, or injurious to the public interest. It is not intended to deal with routine, operational, or human resource matters.

In terms of the specific abuse of authority that the Member for Signal Hill – Quidi Vidi was talking about, I feel strongly that it is captured under subsection (c), gross mismanagement. So I do feel that concern is addressed in the legislation. She may have further comments on that and I would welcome that, but I do feel the definition, which is widely used and widely accepted, does actually address the concern she was raising earlier.

She also spoke about the issue of retroactivity. It is another instance where no other jurisdiction in the country has a retroactivity provision. Generally speaking, legislation does not include retroactive or retrospective clauses. There is a presumption that legislation should not be given retroactive effect.

Retroactive legislation can overturn the expectations people have of the law and how it affects them and how they govern themselves and their behaviour in accordance with these expectations. Retroactive legislation can sometimes be perceived as unjust, Mr. Chair. Retroactive application of legislation is usually found in financial and tax provisions but it is generally not found anywhere else, and it is not in any other piece of whistleblower legislation that exists in this country.

Retroactivity really is not considered legislatively appropriate in this type of statute; but if it was appropriate, no matter what date you choose, there will always be some matters that fall outside the timeline, which is one of the challenges with retroactivity. No other jurisdiction has provided for retroactivity when their acts came into force, none.

It is also important to note and to clarify that information about wrongdoing that was ongoing prior to the act coming into force but is continuing – if wrongdoing was going on for many months or many years and it is believed that it is to be continuing after the act becomes effective, it can be considered during an investigation under this act. I think that is an important point.

I understand the concerns the member is expressing around retroactivity, I really do. In all honesty, these were the kinds of questions in preparing this bill that I asked as well, but I really believe we are being consistent with other jurisdictions.

Retroactivity is not normally acceptable from a legislative perspective. Given the fact that wrongdoing that is ongoing can still be addressed under this act alleviates my concern. In addition to that, with respect to wrongdoings that occurred prior to this bill coming into force, those matters can still be investigated in a number of ways.

I would remind members that those matters could still be investigated under the Criminal Code. They could still be investigated under the Environmental Protection Act. They could still be investigated through the Occupational Health and Safety Act. They could still be investigated through the Personal Health Information Act. They could also be investigated through the House Of Assembly Accountability, Integrity and Administration Act. Interestingly enough, those acts actually have anti-reprisal protections as well.

Employees today, and once the legislation is in effect as well, are also free to make internal disclosures of wrongdoing if they wish to do so. Unionized employees – which cover a great number of our employees in the public sector – can receive the benefit of grievance and arbitration processes through the collective agreements currently as well, if they chose to go that route. As well, we are all aware that the Auditor General, under the Auditor General Act, can review a matter any time when there is a financial issue.

There are existing avenues for serious wrongdoings to be addressed, but we recognize there are gaps. We need to address those gaps, and that is exactly what we are trying to do through this legislation.

So I thank members for their comments and questions so far, and I look forward to further debate and discussion during this Committee stage of debate.

**SOME HON. MEMBERS:** Hear, hear!

**CHAIR:** The Chair recognizes the hon. the Member for St. John's East.

**MR. MURPHY:** Thank you, Mr. Chair.

It is a pleasure to rise again this evening and talk about the Public Interest Disclosure and Whistleblower Protection Act.

I want to address what the minister is saying about this, but I wanted to come back to section 4 again because I am still not quite clear when I read it. It says, “This Act applies to the following wrongdoings in or relating to the public service: (a) an act or omission

constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation made under an Act”.

We flip over from 4.(1)(a) to 4.(2). It says, “This Act applies only in respect of wrongdoings that occur after the coming into force of this Act.” I have to come back to laws that were passed, not only in the Parliament of Canada, but as regards the Legislature here. It says in this particular part, like I said, “wrongdoings that occur after the coming into force of this Act” disturbs me.

If we are talking July 1 when this rule comes in, when this law comes in, we are talking about – by the sounds of it to me, I say to the minister, I say to the Chair, by the sounds of it to me it is dropping retroactivity. If I go ahead and I commit a crime under the Criminal Code of Canada, let's say it is a theft, it could be paint in the back of a truck, who knows, but if it can be proven under the Criminal Code of Canada that I stole that paint, for example, or I stole something from a store, as far as I know there is no statute of limitations on a conviction that would happen in the courts of this country.

My question to the minister, to the government in this case, is if evidence is still there and it can still be proven that somebody stole something from government, for example, be it money or material – it could be anything, it could be ladders, I do not know – why do we have a statute of limitations on an incident where we have proof that somebody committed something if somebody wanted to blow the whistle on that before July 1? The question to government in this case is about the retroactivity clause.

I can see where the Member for Signal Hill – Quidi Vidi stood and said they are better off dropping this subsection (2) under section 4, because everybody should be treated equally under the law. It does not matter whether I am a government employee or whether I am a citizen of this country, a theft is a theft or an abuse is an abuse or a wrongdoing or a mismanagement that can be convicted under the law is still mismanagement. Do you see what I am saying? You might be able to pick out what we are saying here when it comes to that.

My question to the minister is about dropping the retroactivity part of it and not having a statute of limitations there at all. If something can be proven as being wrong, it is a wrong, plain and simple. Everything that government is after here is while they are protecting the whistleblower they cannot be protecting the person who did the wrong at the same time. Everybody is equal under the law. I would like to get some clarification on that.

Thank you.

**CHAIR:** The Chair recognizes the hon. the Member for Mount Pearl South.

**MR. LANE:** Thank you, Mr. Chair.

It is a pleasure to have an opportunity to speak to Bill 1, An Act Respecting Public Interest Disclosure.

Mr. Chair, I had an opportunity to speak in second reading and some of the concerns I had at that point in time I still have. I know a number of my colleagues also have the same concerns. I am suspecting there will be a number of amendments that may be proposed. We will see how the evening goes, but I think that may happen.

There are a few points here. Let me say, Mr. Chair, as I have said in the past, if government is going to put forward good legislation then we are certainly going to support it. There have been a number of bills the last day or two that have come forward, and we have supported them and spoke in favour of them. There have been some that have been somewhat contentious but we still supported in principle, such as the 911 bill. We supported it in principle but we had concerns.

This is another example of a bill we all support in principle. I know some of my colleagues on this side of the House have been calling for this particular piece of legislation for quite some time. There is no doubt, it was promised a long time ago. It did not happen, but it is happening now. I congratulate the government. I congratulate the minister on bringing forth this particular piece of legislation because it is important legislation. It is in the public interest to have it, but just because I support the concept

of whistleblower legislation, just because I support this bill in principle it does not mean there are not things that I would have concerns with or things I would like to see done differently, things I would like to see changed or amended to actually strengthen the legislation.

One thing I have noted here – there are a number of things, but one thing I am going to speak about for a second is the fact that this does not apply to municipalities. The minister has a dual role. He is responsible for the Office of Public Engagement and would be responsible for this bill in that regard, but he is also responsible for municipalities. I am sure this is something that perhaps he may have contemplated, and I am sure there must be some reason why it does not apply to municipalities. I will leave it to him when he gets an opportunity to speak again to provide some feedback as to why it does not apply to municipalities.

Being involved myself as a municipal politician, as a deputy mayor and councillor for eight years in the City of Mount Pearl, I am quite aware of the important role municipalities play in our communities. I am quite aware of the large budgets that municipalities have to manage for our various cities and towns and so on. There is a lot of money changing hands there; a lot of revenues coming in, a lot of expenses going out, a number of staff, people involved, a number of departments, and are responsible for a lot of things that are important to the public.

One of the things that comes to mind – and there are many, but one thing I can cite as an example is drinking water. In the City of St. John's, the City of Mount Pearl and so on, they fall under the regional water authority. There is a board there and so on that is comprised of council members and staff from the City of St. John's, the City of Mount Pearl. They operate the Windsor Lake and Bay Bulls Big Pond supply of drinking water. Obviously, this is a critical service that is provided here and we want to ensure that citizens have clean, healthy drinking water for their use.

We have seen situations like in Walkerton, that unfortunate circumstance that happened; we know what happened there. So, that type of thing, in theory – I am sure it is not, or I hope it is not; we all do - we would hope the regional

water authority would have all of the checks and balances in place to ensure that our water system is operating properly, that the water is suitable for drinking and so on. That all the proper chemicals are being put in, that there is preventive maintenance taking place at the water treatment plants and so on to provide us with safe drinking water. We would hope that would be in place.

I know it is in place, having worked there at one point in time. What about if, for argument's sake, it was not being done properly? What about if preventive maintenance that was supposed to be getting done was not getting done, or perhaps people who were supposed to be trained in that particular facility were not trained properly or were trying to cut back on things for whatever reason? There are things that can go wrong. That could have a very, very negative impact on the general public.

If that type of situation were occurring, something critical to us all, to our health, then I do not know why whistleblower legislation would not apply to that municipality, to people working within the regional water system by way of example, to be able to bring forward those concerns they have about maintenance not being done or whatever the case might be, or things being done improperly because it is a public health issue. I do not know why they could not bring it forward and also be protected the same as a provincial government employee would be covered and protected under this particular piece of legislation.

When we look at municipalities, that is one example, but we can also look at preventive maintenance programs on equipment, whether it is snow clearing equipment, road graders, garbage trucks, or whatever, that could be a safety concern to the general public. I realize safety concerns for the employees themselves are covered under the Occupational Health and Safety Act and so on. There is a mechanism there, but perhaps there could be some safety concern to the general public –

**CHAIR:** I am just having a little bit of trouble, hon. member, connecting the dots here, Sir.

**MR. LANE:** Yes, Mr. Chair.

As I was saying, Mr. Chair, what I am speaking to is the fact that municipalities are not covered under this piece of legislation, even though municipalities are really creatures of the provincial government. They are a level of government, but really they exist basically –

**AN HON. MEMBER:** (Inaudible).

**MR. LANE:** Pardon? I am sorry, Mr. Chair, I thought it was you speaking to me. I did not realize it was – anyway, as I was saying, Mr. Chair, the bottom line is it is an entity. It does fall under the Province.

Municipalities are there almost as an arm of the Province, so to speak. I think the employees there should also have the same protection afforded to them to report wrongdoings, if they exist, because ultimately they are still providing services to taxpayers. All of us are still paying taxes. We are paying to a different level. We are paying municipal tax instead of provincial tax, but ultimately we are paying taxes for a service and we want to make sure that service is provided the best way possible. Everything above board, everything done properly, that there are no safety concerns and there are no health concerns to the public. It is no different than whether it is municipal or provincial. So, from that prospective, I am wondering why municipalities would not be covered?

I will take my seat now and hopefully the minister can enlighten me.

Thank you.

**CHAIR (Littlejohn):** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Thank you, Mr. Chair.

I will just respond quickly on the point related to municipalities. I know there are other members with questions and I will let them get to that in short order. This is a matter we covered previously in debate, so I do not want to spend a lot of time on it in my response.

Municipalities are not covered by the application of this act, as the member has pointed out. I would also point out that this is consistent with every other jurisdiction in the country.



Municipalities can choose to adopt whistleblower policies if they wish to do so. They may feel that may increase the public's confidence in their elected officials and their staff who are delivering important programs and services to their community. I do not want to get into a debate on the autonomy of local government. I want municipalities to have the freedom to do this if they wish, and I would encourage them to consider it.

I understand the member's comment related to municipalities being creatures of the Province, to use his language. In this particular case, I think we should allow our municipal leaders to determine themselves whether they want to enact whistleblower legislation. This act does cover all provincial employees, all departments, agencies, Crown corporations, the college, Nalcor, and many other government agencies, school boards, health authorities and so on.

Municipalities are not purely creatures of the Province. I understand that we create municipalities through our legislation, but I am also a big proponent, as the member knows, of giving municipalities as much autonomy as we can. It is for that reason, and others, that municipalities are not covered under this act. They can choose to enact legislation if they wish. I would encourage them to do so. I am also prepared to help them if they are interested in pursuing that, but we want to be consistent in this particular case with other jurisdictions as well. We think that makes good sense.

**CHAIR:** The hon. the Leader of the Third Party.

**MS MICHAEL:** Thank you very much, Mr. Chair.

There are a couple of more points that I would like to make.

The minister has said a number of times now that what is in this bill and what we are asking questions about exists in other bills across the country. That seems to be the yardstick he is using to explain some of the things that are in this bill; however, there are things in other pieces of legislation across the country that he does not have in here. For example, this bill does not cover private sector workers, but I do know the Manitoba legislation, and I think the

New Brunswick legislation, at least those two, do cover private sector workers. So the government chose not to do that even though that is in the legislation in other jurisdictions in the country.

I would suggest to him, just as he said earlier tonight: Why can't we be leaders in a piece of legislation? I would suggest that some of the things we are pointing out exist in jurisdictions outside of Canada, so why can't we become leaders here with regard to it? If he is going to follow the legislation from other parts of Canada, why doesn't he follow all of it and have our legislation cover the private sector as well? I put that to the minister to think about.

I would like to just make one more point to strengthen my colleague from St. John's East, to strengthen what he was saying about section 4.(2) which says the act basically is not retroactive. I think his point is an extremely important point, though he did not read it, a point that was in the analysis done by the Centre for Law and Democracy, and that is the point about a criminal act. A person may have been aware of a criminal act prior to the legislation and was afraid to bring it up. When legislation comes in, that criminal act is still a criminal act.

I want to back up what my colleague was saying that a criminal act is still a criminal act. What this does, it says that somebody cannot come forward with something that happened prior to the legislation. The act happened and there may be effects of it that are still ongoing from the criminal act, but the criminal act, as an act, has not been repeated, yet it is a criminal act. This would say that a person who committed a criminal act could get away with it, even though this legislation came into effect.

The new point I want to speak to and speak a bit more about is an issue I raised in second reading. It has to do with section 22 of the bill. Section 22 has to do with reprisal. I pointed out during second reading that I did not think section 22 was encouraging enough for workers and encouraging enough to give them a feeling that they are being listened to, that they are being protected, and even that they are getting adequate compensation.

Section 22 says, “An employee or former employee who alleges that a reprisal has been taken against him or her may file a written complaint with the board. (2) Where the board determines that a reprisal has been taken against the complainant contrary to Section 21, the board may order that one or more of the following measures be taken”. I do know that language is in other pieces of legislation across the country, but it is still being questioned. It is being questioned by people who represent workers, it is being questioned by the Centre for Law and Democracy, and it is being questioned outside of this country.

I point out that the so-called protection for those who have suffered reprisal is not strong enough especially when it comes to the compensation. Under subsection 2 of section 22 the things that the board may order, “(a) the complainant be permitted to return to his or her duties; (b) the complainant be reinstated or damages be paid to him or her, where the board considers that the trust relationship between the parties cannot be restored; (c) compensation be paid to the complainant in an amount not greater than the remuneration that the board considers would, but for the reprisal, have been paid to the complainant; (d) an amount be paid to the complainant equal to the expenses and other financial losses that the complainant has incurred as a direct result of the reprisal”.

What I want to point out to the minister is the compensation that is talked about is compensation for real losses. There is nothing in there that looks at a compensation provision for compensatory damages. For example, stress that the worker who has suffered the reprisal has undergone, and time the worker had to take to deal with the whole issue of the reprisal.

It is more than just the loss of money; it is more than just expenses, equal expenses and financial losses that are directly related to what the complainant has done because of the reprisal. I would like the minister to explain why there was not language in here to give paid compensation for other extraneous things that the worker will have gone through.

I am going to use an example. This is not related to whistleblower, but the notion of compensatory damage. A person, say a woman

worker in her late forties, early fifties gets laid off without cause and is given a package. The package is based solely on nothing but the actual loss of money that person made for a number of months. A lawyer will tell you that you have to look at: how easy is it going to be for that woman in her fifties to get another job? How long might it take her to get another job? What is the stress that she is going to undergo because of what has happened to her? All of that gets considered under compensation as compensatory damages.

I really believe if we want to show a worker who has done whistleblowing and has suffered a reprisal that it is going to be to their benefit to even pursue further after the reprisal, then we need more in here. We definitely should have in here compensatory damages. I would like an answer to that from the minister.

I am still saying to the minister that I think subsection (2) of section 4 should come out. That is an amendment. One may amend something by removing a clause. I think that is what needs to happen here. Let us give leadership here. Since the minister has not kept everything that is in other pieces of legislation, let us do something here that is different from the other pieces of legislation. I put that out.

Thank you very much, Mr. Chair.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Thank you, Mr. Chair.

I will attempt to respond to a couple of the major points that have been raised by the Member for Signal Hill – Quidi Vidi; particularly the ones related to the whistleblower legislation that we are debating. She has made a couple that I think are absolutely fair and worth responding to.

I will address the last point first, related to those who feel they have suffered reprisals beyond direct costs and can the Labour Relations Board award for damages. What I want to point out is that the Labour Relations Board, through this bill, will have the broad discretion and authority to make an appropriate award where reprisal action occurs.

In addition to a number of members the board can order to address reprisal action, section 22(2)(b) specifically provides the board with the authority to order that. Just to quote that section, a complainant be reinstated in their former position "... or damages be paid to him or her, where the board considers that the trust relationship between the parties cannot be restored".

The board can also order that compensation be paid to a complainant in an amount not greater than the remuneration he or she would have been paid but for the reprisal or that an amount be paid to a complainant equal to the expenses and other financial losses that he or she incurred as a direct result of the reprisal. We feel this legislation generally gives the board the ability to place a complainant back into the place they would have been in had the reprisal not occur. That is the intention here.

The member references other jurisdictions and I will speak to that because they are different. In Alberta and Saskatchewan, I will use that example first, in their legislation it provides that reprisal complaints are dealt with in the same manner as disclosures. That is, they are referred to the commissioner who can only make recommendations.

This bill really strengthens that model significantly because it gives the Labour Relations Board the power to make binding orders, such as being able to reinstate the employee. That is a real strength of our legislation that does not exist in every jurisdiction across the country.

Legislation in a number of other jurisdictions, for instance, Ontario, Manitoba, New Brunswick, and Nova Scotia, is similar to this bill in that they provide the ability for direct employee costs to be awarded. They do not specifically provide authority to award general or punitive damages for issues such as stress and other burdens that the member was referring to.

I recognize that is recommended by the Centre for Law and Democracy, as the member alluded to, but the provision that we are proposing here, the language in our bill is very similar to the legislation in a number of other jurisdictions. It does provide the ability for direct employee

costs to be awarded. We think that is both fair and reasonable.

With regard to the private sector, I have a couple of minutes left and I will also try and respond to some of those points, Mr. Chair. I will remind hon. members that Bill 1 is intended to protect the public interest by ensuring that wrongdoings related to the public service are disclosed and investigated, and employees are protected from retaliation when they disclose the wrongdoing.

This bill is focused on public accountability and integrity of our public service. It is intended to be used by those involved in the delivery and management of public services and programs and the management of public funds and assets.

There are some existing laws, however, that provide for protection of individuals working in the private sector when they are making disclosures of wrongdoing. There are provisions in the Criminal Code. There are provisions in the Environmental Protection Act. There are provisions in the Occupational Health and Safety Act. There are provisions in the Personal Health Information Act.

Private sector companies can certainly choose to adopt whistleblower policies and if they feel that will increase the integrity of their organization and help facilitate disclosures of wrongdoing and protect employees who make disclosures, then more power to them. In fact, this act can be a model for private sector organizations that are considering such a policy. This bill, this piece of legislation, is about protecting those within our public service, and that again is consistent with jurisdictions elsewhere in the country.

I know the question has been raised: Why not expand the bill to cover private entities? We do not feel that would be appropriate for a number of reasons. We have the authority to add entities that fit within the definition. We can add entities to the definition of public body by the way of regulations, so that is certainly available to us. It is an enabling provision that allows for additional public bodies to be included in the legislation. We do not feel it would be necessary or appropriate to add the private sector. There are some other channels available, as I have outlined, and I look forward to

speaking to other questions and concerns that may arise.

Thank you.

**CHAIR:** The hon. the Member for St. John's North.

**MR. KIRBY:** Thank you, Mr. Chair.

It is pleasure for me to stand up and have a few words to this bill, Bill 1, and the so called whistleblower legislation. As I said in second reading of the bill, we have been waiting an awful long time for the whistle to blow because this is a piece of legislation that we have been anticipating for quite a lengthy period of time. This government has made a commitment to it on a number of separate occasions and now, finally, we are having an opportunity to go over the finer details. We really appreciate the gesture of course, in the Official Opposition, we have wanted to see this come here for a lengthy period of time, and we really appreciate the fact that government has finally owned up to this commitment and tabled the legislation.

The legislation has a significant number of shortcomings and limitations. I am glad that the minister acknowledged that one of the limitations that we have in this particular bill is the fact that it does not apply to employees in the private sector. Those employees are certainly as subject to being victimized or suffering retribution as a result of not having whistleblower protection when they come forward to report wrongdoings and so on. We have seen all sorts of examples of that in the news over the years. You could cite any number of examples. I will not go into detail, but I certainly do know of a lot of cases where people who are brave enough to step forward and report wrongdoing are ostracized and often even litigated against because they have the courage to come forward. So I think that is one of the significant problems with this.

The Centre for Law and Democracy went into great detail on this particular legislation and pointed out that a variety of other jurisdictions across the country, around the world, have this particular stipulation where people in the private sector are afforded protection in the same way the public sector employees are through the

same piece of legislation or parts of it. So I think that is a really narrow definition to limit this just to public bodies, and it is problematic for that reason. It really leaves sort of a gaping hole, and that would be one of the limitations, one of the shortcomings of this legislation where we see once again a major bill of significant importance to the populace falling well beneath the standard best practice that we would expect, as compared to jurisdictions across Canada and internationally. So, just to throw that out.

While it seems to cast a relatively wide net, it bears significant –

**SOME HON. MEMBERS:** Oh, oh!

**CHAIR:** Order, please!

If the hon. members wish to have a conversation, could they take it to some of the corners, please? It is hard to hear the member here, and the member has bated words to say.

The hon. the Member for St. John's North.

**MR. KIRBY:** Thank you, Mr. Chair.

I think they are all getting fairly riled up by what it is I have to say. I think that is probably what it is. I will try not to rile them up too much now, Mr. Chair. I was just going to say – and I know people are upset about this, and they have a right to be upset, because there are significant exceptions within this piece of legislation. I remember when we were debated Bill 29 and I said about the Mack truck clause; remember that? It is sort of like a Mack truck; you could drive a Mack truck worth of exceptions through this.

This particular bill only applies when there is evidence of gross mismanagement, criminal offences; or a substantial threat to public safety, public health, to the environment; or it applies to disclosures to the Citizens' Representative. Unfortunately, we have this section in here about the exclusion of Cabinet deliberations, which again is something that is reminiscent of other legislation that I will not go into detail about, which I just alluded to.

Now, there is another exception here when it comes to solicitor-client privilege. It is section

11.(1)(b) of Bill 1 with respect to solicitor-client privilege. The Centre for Law and Democracy talks about how if somebody discovers that there is a criminal wrongdoing, if there is some sort of threat to public health, threat to public safety, threat to environment, there is a threat that there is environmental destruction or degradation or pollution or something that could threaten a community, threaten people's health – if you think about it, even something like through erosion, it does not have to be dumping or anything like that, garbage or effluent, pollution or chemicals, or anything like that –

**SOME HON. MEMBERS:** Oh, oh!

**CHAIR:** Order, please!

We are going to have a long night and I ask hon. members to co-operate with the Chair. The Chair is having great difficulty hearing the hon. member.

The hon. the Member for St. John's North.

**MR. KIRBY:** Thank you for the protection there, Mr. Chair. I understand that people are not happy about these exceptions and I am not happy about them myself because I really think that we anticipate that if somebody thought that there was a legitimate threat, that there was criminal wrongdoing, some other threat to public safety, to public health, that there was a threat to the environment or some other issue like that, we would assume that the person would automatically go and lawyer up so that they would be exempted from this particular whistleblower legislation by virtue of the solicitor-client privilege exception. That is more or less what really could happen here. I think that is particularly problematic because it opens it up to abuse. Now, we are not talking about most people because by and large I think we all believe that people are good natured enough, and honest and forthcoming, and that would not happen, but it certainly raises a particular concern around that.

There is another part of this particular bill, too, section 28.(b). That is the section that allows the Lieutenant Governor in Council to make regulations specifically excluding other legislation from protection afforded by this particular whistleblower law. Again, we have

seen other instances where that can be problematic.

You really have to ask what the point is. If you are going to have whistleblower legislation, you are going to have all of these exceptions, all of these ways that you can be exempt from it that you can – if you are in the private sector you do not have the protection. If you go and get a lawyer and discuss it with them, maybe a quick telephone call – we have seen in discussions here with, even members of the Cabinet, discussions they have had with legal counsel.

There is not a piece of paper to be found in the Confederation Building that goes into any detail. There are letters with no dates on them, that sort of thing. All you really have to do is, apparently, make a telephone call or have something written on a Post-It note and then you would have evidence of solicitor-client privilege and you would be exempt from this particular whistleblower protection, or exempt from being implicated in violating someone's rights vis-à-vis the protection that they are supposed to be afforded under the whistleblower law. That is particularly problematic.

Now, of course, there is whole lot more to be said about the problems with the reporting mechanisms for this as well. The whole process whereby public servants have to go through the Citizens' Representative in order to report whatever criminal wrongdoing or threat to public safety or threat to public health or whatever problem it is they are observing, they have to go to the Citizens' Representative to do that. If they went to CBC they would not be protected. That seems to be what it is suggesting. If they went to NTV they would not be protected. That seems to be what the implications –

**CHAIR:** I remind the hon. member his speaking time has expired.

**MR. KIRBY:** I will speak again, Mr. Chair.

Thank you for your co-operation.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** I thank the Member for St. John's North for that warning. Thank you. Hopefully the crowd will be a little more respectful the next time you are up. The ones who were on your side making all the noise, I say to the hon. member. I thank the Chair for restoring order in the House. I was listening intently to the Member for St. John's North.

Before I get to his comments related to solicitor-client privilege, I want to go back to an example that was raised by the Member for Mount Pearl South related to Walkerton. I addressed his comments related to why municipalities are not being covered under this legislation but I want to draw his attention to section 31 of our Access to Information and Protection of Privacy legislation. Under section 31, the head of a public body is required to disclose information about a risk of significant harm to the environment or health and safety of the public where it is in the public interest.

Walkerton would be a prime example, Mr. Chair, of a matter that is required to be captured under our Access to Information and Protection of Privacy Act. We do not need municipalities to also be captured under whistleblower. For an issue like Walkerton, to use that type of example, it is already captured under our ATIPP legislation. I would encourage the member to have a look at that as well.

In terms of the solicitor-client privilege points that the Member for St. John's North is raising; every single jurisdiction in the country that has whistleblower legislation protects solicitor-client privilege information from disclosure in exactly the same manner that is referenced here in Bill 1, in our proposed whistleblower legislation. Protecting information that is considered solicitor-client privilege is well established in common law. Solicitor-client privilege has been upheld by the Supreme Court of Canada to be nearly absolute.

Lawyers have a duty to uphold solicitor-client privilege as a matter of professional conduct, not just because it is set out in legislation like this. He references the recommendation put forth by the Centre for Law and Democracy, and I want to thank the Centre for Law and Democracy for their analysis. I have had some correspondence with the Centre for Law and Democracy. I look

forward to further discussions with the folks at the Centre for Law and Democracy. I believe some of their questions and concerns can easily be addressed. They are already addressed in the legislation as proposed, but I do look forward to ongoing dialogue with the centre and from anybody who can offer input into important debates like this one. It is a good and healthy part of the process.

To that particular recommendation that the member was alluding to put forward by the Centre for Law and Democracy, it should be noted that the clients of Newfoundland and Labrador's government solicitors are always departments or other public bodies. To limit solicitor-client privilege to cases where an individual rather than a public body holds the privilege as recommended by the Centre for Law and Democracy would basically render the exception meaningless in this context.

It is important to note that solicitor-client privilege is limited to communications between a solicitor and a client when a client is seeking advice on a matter or a solicitor is providing advice. Not all information related to a wrongdoing that exists in a public body would ever be classified as solicitor-client privilege – again, common with jurisdictions across the country. I believe to the particular point that the Centre for Law Democracy is raising, I have just addressed it. I believe that concern is adequately covered under our legislation.

**CHAIR:** The hon. the Member for Burgeo – La Poile.

**MR. A. PARSONS:** Thank you, Mr. Chair.

I am very happy to stand here and speak to this very important piece of legislation, Bill 1, Public Interest Disclosure and Whistleblower Protection Act. The whistleblower bill, as we commonly refer to it, and a piece of legislation we have been obviously asking for, for some time. It has been promised for some time.

I am happy to see it is right here and we are able to debate on this fine evening. Someday somebody is going to read this and we can say it was 10:10 p.m. on Monday, May 26. We are here in the House and we are debating this piece of legislation which I think is important. I think

it is important of the context behind what it is we are doing here.

One of the things I wanted to talk about is that we are in the Committee stage now, having gone through first and second reading. To put it out there, I think one of the good things is we have had a period of time, a gap in between the second reading and the Committee.

The reason that is a good thing, is one of the issues sometimes with debate is that if we really wanted to force something through you could do so very quickly. It does not give the general public or interested persons an opportunity to speak to it, to understand it, to know, to maybe even realize. People are going on with their daily lives. They may not always be paying attention to the goings on in the House of Assembly, but with a gap between second reading and Committee, I think what it has done is it has allowed interested individuals out there to look at what we have, to speak about it, and to offer their commentary whether it is positive, negative, or both.

In many cases I think what people are offering is an opportunity to be constructive. I think that is what we are doing here this evening, because I think it has to be said. I am speaking just my own perspective here. I for one stood here in my place when I was the Justice critic and asked: Where was whistleblower legislation? Where was it? It has been promised. We were asking for it. It was never there and now it is here. So, obviously, I like the concept of whistleblower legislation. We like it. It is a good thing. We wanted it and are glad to see it is here; however, I think what we can also do in our roles as the Official Opposition – and basically our job is to hold government accountable on behalf of the individuals out there when it comes to taxpayer money or when it comes to legislation, when it comes to bureaucracy. So one of the things that we can do is read legislation, review legislation, and offer constructive criticism.

I have this bill here. It is an average size piece of legislation. It is obviously not housekeeping or an amendment; it is something that is brand new that was created. I know that the minister and his department – I am pretty sure this was probably in the works before the minister took over; I would imagine it was in the works

before. We have asked on a number of occasions and we were told there was no need of it. We promised it, but there is no need of it. So I am assuming that this was in the works and there was a jurisdictional scan done.

It is interesting. I will put out there that on a number of questions from my colleagues the response was: We are going to be leaders. Why would we wait? We are going to be leaders. Well, in this case we are the follower. We are finally catching up, but the benefit of that is that it gives you an opportunity to look at what has been done elsewhere, what has been done in other jurisdictions.

The good thing about whistleblower is that it is not something that just exists in this country, but exists all over the world. All over the world they have whistleblower legislation. So there have been plenty of places to look and see how it is done, what is the best thing for us to do in this Province, and how can we implement it and make it the best possible piece of whistleblower legislation that we can have.

Again, keeping in mind, sometimes we talk about it so much that we forget what it is we are trying to do. We are trying to offer protection for those individuals who feel the need to speak out when they see wrongdoing within the public system.

That is one of the points that I want to make, is that with the gap in between here, a group like the Centre for Law and Democracy have had the opportunity to review – again, I have a paper here that the Centre for Law and Democracy put out: Note on the Newfoundland Public Interest and Whistleblower Protection Act, May 2014. Obviously, this is something that has been done since this bill was put on the table. It has been done since then.

So they had an opportunity, because of the gap in between, to look at this, to review it, and to discuss it. The reason I think that is important is because what they have done – and this was obviously independent from what we have done. We have stood here on a number of occasions now and pointed out this bill is a good thing, we support it in principle, but there are some issues. What is the point of bringing in a piece of legislation that is weak and in certain areas can

be strengthened mightily to provide that protection to those individuals who require it? This group has done the same thing.

Now, what they have done – and again, I would note, this is a group that has spoken out in the past about legislative processes in this Province. I only have to go back to June 2012 to when they had something to say. I know that the members opposite want to hear what I have to say. I know they want to hear it. Again, I just say, wait. Just sit back and wait; I am building up to it. I would note –

**CHAIR:** I remind the hon. member to speak to the Chair, please.

**MR. A. PARSONS:** Again, I know it is hard for them to sit there and to hold their attention to this, but I will continue on; and if I do not get it done in the next three-and-a-half minutes, I will do it in the next ten, or the ten after that. I have all night.

What I am going to keep doing is I am going to go back to this piece of writing that has been done by the Centre for Law and Democracy, a group that has criticized this crowd opposite in the past. One thing that I found interesting – going back to how whistleblower legislation is not new, it has been done before, it was done in the past – one thing that was interesting is about how it has been done elsewhere in the world in certain sectors. I mean, they talk about the UK –

**AN HON. MEMBER:** Moldova.

**MR. A. PARSONS:** No, actually, Moldova is not mentioned. France, Hungary, Luxembourg, Malta, Slovenia, South Africa, and Sweden all have whistleblower. Now, I did look carefully; I did not see Moldova mentioned. I know that it is a country that this Province has looked to in the past when it comes to legislation – more so when it comes to openness and transparency.

**CHAIR:** I gave the hon. member great leeway. I ask the hon. member to come back to the point.

**AN HON. MEMBER:** What about Namibia?

**MR. A. PARSONS:** Again, the minister across wants to know if Namibia has been covered. I say, I do know about Namibia, but I can do a

jurisdictional scan because we have had seven years since you promised it. You have had seven years to look at this and figure it out.

So, anyway, I will continue on. One of the things that they have done and that we are doing and are going to continue to do is point out some places where the legislation should and can be improved. I am going to talk about one section in particular, and that is section 15.

I believe, being on clause 1, I have the leeway to go where I may and discuss this, but section 15 really strikes me. “The citizens’ representative is not required to investigate a disclosure and the citizens’ representative may cease an investigation if he or she is of the opinion that” – and there are five points listed, (a), (b), (c), (d) and (e) – “(a) the subject matter of the disclosure would more appropriately be dealt with, initially or completely, according to a procedure provided for under another Act; (b) the disclosure is frivolous or vexatious...” – I know everyone in this House is familiar with those terms; again, lots of vexatiousness on the other side on many occasions. It is hard for me to talk when they are being so frivolous. “...or has been made in good faith and does not deal with a sufficiently serious subject matter.” Here is the big one to me, “(c) so much time has elapsed between the date when the subject matter of the disclosure arose and the date when the disclosure was made that investigating it would not serve a useful purpose”.

The problem I have with that, Mr. Chair, is that this does not seem strong enough in the sense that it provides a non-descript period of time that is only determined by the Citizens’ Representative. Now, I do not have much time left, but when I get up the next time I am going to talk about limitations because they are used elsewhere in law. I am suggesting that we could do something a bit better here to provide some kind of period of time that could be flexible and still give the Citizens’ Representative some kind of authority to make an ultimate decision.

I appreciate the opportunity to speak. I look forward to hearing more commentary on this obviously important piece of legislation.

Thank you, Mr. Chair.



**CHAIR:** The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Thank you, Mr. Chair, for the opportunity again to speak to the bill, which is the whistleblower legislation that we have been talking about this evening.

If we look at the intent of the legislation it is meant to protect from a reprisal if an individual comes forward in good faith. That is an important piece because if somebody is not then there is certainly a mechanism in place, that this piece of legislation has put forward, that an individual could be fined upwards of \$10,000 in the particular bill. One key point is that if somebody who is accused of wrongdoing, it has to protect the confidentiality of all those who are involved in the disclosure process.

So, what I am seeing in this legislation is just one particular option. The minister had talked about dual option. I want to go into the particular options that many organizations in the Province of New Brunswick would have. They have three very safe and confidential options and methods for making a disclosure of wrongdoing. They could go to a supervisor. They could go to a designated officer in an organization, or to the particular Ombudsman, which would be the equivalent of our Citizens' Representative. In this particular piece of legislation we only have the one option.

When you look at that particular piece, if an employee commits a wrongdoing and is subject to the appropriate disciplinary action, which could include the termination of employment, sanctions, whatever would be provided by law in this particular matter, then they need to disclose. The disclosure would lead to an investigation. It states that the investigation is to be conducted in a fair, timely, and expeditious manner.

In our particular bill itself the investigation must take place with the Office of the Citizens' Representative. Whereas if you look at where an agency has failed to receive or act on disclosure, failed to keep the whistleblower informed as the action being taken or conclude the matter with no action – there needs to be some potential oversight here.

We have seen it at the federal level where the federal commissioner who was responsible did not take the appropriate action to do the investigations that were needed and it was basically dismissed. The Auditor General came in to do a review, but in the whole process the former commissioner, the integrity officer who was there was basically given a golden handshake and removed from that portfolio.

In other particular pieces of legislation, and it is not listed in ours, whistleblowers must be kept informed of the process of the investigation at least every ninety days. We know, Mr. Chair, that the investigations could take a significant period of time. We look at proactive disclosure and how important it is. I talked about, the last time, the different pillars that would make up the importance of whistleblower legislation around the open government, around human rights, around employment, and around the regulatory market that is in place to make sure that everything is working in terms of doing what it needs to do to protect the public interest.

This legislation that is proposed would have the Office of the Citizens' Representative present some form of a report, but there is no detail on the particular report itself, when it would come, and the timelines. Whereas, in other jurisdictions they do have a mechanism where the whistleblower is updated every ninety days, and their consent must be obtained before their identity can be included in any referral of the disclosure within or between agencies.

I would like to know if the minister, who has introduced the bill, would explain if those types of protections are put in place around that level so that every time there is a referral that needs to be made which would disclose the person's identity, if they would go back to seek the consent of the individual. This is something that would be very important to look at when it comes about how they are going to be doing a referral or a disclosure between agencies.

As the Member for Virginia Waters had talked about, how it reaches many of the agencies, or whether it would be a different entity of government – if it reached Memorial University, then that would not be protected, basically, because of the exclusion in the act. We have to look at, based on the statute here, as to how it is

addressing the key points around the relationship between the whistleblower and the agencies which they work, and how that can be broken down as to how one is going to move forward if there is a potential reprisal that would take place.

If we go back and we look at how New Brunswick has put forward the option of going to a supervisor. If you live in a very small office your designated officer may not be assigned, it states, and the chief executive would be the designate there because of the responsibilities. It clearly identifies what you would need to provide; a description of the wrongdoing, the name or the names of the persons who are alleged of committing wrongdoings, the date, whether the wrongdoings have already been previously disclosed, and what type of response has been received.

This has to be in writing and signed. The writing and signed part is similar, but we do not have the option of going to your designate and going to your superior in this situation. In it, all of this information is to remain confidential. If you are truly looking at protecting the public sector and the employees who are there, then there would be no reprisal against somebody who would be going to, in a small operative environment, the CEO because there would be protection then against the type of reprisals or actions. Then there would be a process that could be followed if there are reprisals taken because we have seen it.

We have seen where there have been reprisals that have happened at the federal level. We have explained those in the second part of debate at the provincial level as well. There are options in New Brunswick where you make your disclosure to your supervisor. They would look into the matter and then they would basically check with the conflict of interest commissioner because that is something that would be important and protecting the identity and the information relating to disclosure where absolutely possible.

There has to be an assurance that someone's identity is going to be protected. Once this goes to the Office of the Citizens' Representative, if they need to seek an opinion or advice, or go to another agency or Crown Corporation – once you sign off they could go through all arms and

departments of government and it could reveal your information and who you are. Then that can lead to other arms of harassment in other forms.

The government has a lot of power and is far reaching. We would not want to see somebody who is trying to protect the public interest, face some form of harassment or another because their identity has been released. There have been certainly horror stories that have been made public where people – and I have stated them in the past here. That is something that needs to be looked at.

Then there are situations where you make your disclosure to the Ombudsman for advice, but there is no requirement that you make the disclosure within your organization. You could go directly there. There is a complete process and a form that is set forward as to how you would go about going forward and getting the appropriate action taken.

The reprisal piece is very important because we talk about there is a fine in this situation, but in other jurisdictions if people are making wrongful, erroneous statements and they are doing it willingly, and this is something that is vexatious or found to be frivolous, then there could be civil litigation that would be put forward in other jurisdictions, and come with penalties of up to two years of imprisonment for making such statements that could basically ruin lives in the public sector. It has to strike that balance when you are looking at whistleblower legislation and making sure that we are protecting the interests of the public. That has to come at the very high level.

I see that my time has expired. I will get to some questions in further debate.

Thank you.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Thank you, Mr. Chair.

I will once again respond to some of the comments that have been made. I want to thank both members for their questions and comments.

The Member for Burgeo – La Poile started to refer to the note on our act that was prepared by the Centre for Law and Democracy. Again, I want to thank the Centre for Law and Democracy for submitting its commentary. It released its commentary late last week and I had an opportunity to review it over the weekend. Our officials in the Department of Justice and the Office of Public Engagement are certainly looking at that as well. There are some interesting points made.

We have reviewed the report. We thank the Centre for their suggestions, but once we thoroughly analyzed their recommendations, we still firmly believe, Mr. Chair, as the Citizens' Representative has stated here in Newfoundland and Labrador as well, that our proposed legislation is the best model in Canada. The legislation is tailored to meet the needs of Newfoundland and Labrador. I believe it will uphold the integrity of our public service by ensuring a transparent and effective process for the disclosure of wrongdoing.

Despite the fact that the Centre has made twelve recommendations for amendments to the bill, there are a number of flaws with their analysis, I would respectfully suggest. I have offered to have a further discussion with the Centre for Law and Democracy about their questions and concerns to explain how we feel some of those questions and concerns have been addressed in our legislation.

For instance, they have recommended capturing Memorial University as a public body under the bill, but the Centre has not made any reference or does not seem to be aware that Memorial University already has its own whistleblower policy. I addressed the question related to including private sector entities earlier tonight, so I will not be repetitive at this point in time.

I am sure we will have more opportunity to speak to some of the comments raised by the Centre for Law and Democracy. Again, I appreciate the analysis. We have thoroughly considered it. I look forward to further discussions with the Centre for Law and Democracy as well.

The Member for The Straits – White Bay North talks about single versus dual disclose route and

he talks about some of the realities that exist in other jurisdictions. Our legislation contemplates a single disclosure route whereby disclosures of wrongdoing will be received and investigated by the Office of the Citizens' Representative and that office will bring those matters to the attention of government.

This single disclosure route will be unique across the country. It is considered the most effective process that will give our public service employees the comfort and the assurance so that they can make a disclosure in confidence to one independent office which is equipped with the skills, equipped with the expertise that is necessary to conduct an investigation in a fair manner and in an impartial manner. The process of advice giving, disclosure, investigation, and recommendations is therefore going to be consistent, and that was our objective. The Citizens' Representative's office will be the only office involved, and all employees of the public service will therefore receive high-quality, consistent, well-informed, knowledgeable advice and support.

We have talked to other jurisdictions. As the Member for Burgeo – La Poile suggests, we have spent a lot of time developing this legislation. It has been under development for some time. Prior to even to the existence of the Office of Public Engagement, officials at Justice were exploring whistleblower legislation and we have watched closely how whistleblower legislation has evolved in other jurisdictions.

Through that work, through the due diligence, through that cross-jurisdictional scan, we found that internal processes have actually been problematic in other jurisdictions due to the need to consistently and continuously train officials in all departments and in all public bodies to ensure that all employees are aware of who the investigator is, what the process is for instance. Updating of policies and procedures, communicating to all officials and staff, it is resource intensive. It is administratively resource intensive. This can result in matters falling through the cracks and investigations of serious and significant wrongdoing not being dealt with appropriately, which was a major concern for us in contemplating how we would proceed with our whistleblower legislation.

It is also important to note that the Office of the Citizens' Representative has legislative powers that will contribute to thorough and unbiased investigations, including the power to hold hearings and make inquiries deemed appropriate for a matter, and the authority to require a person to provide and produce evidence as well. These authorities are critical to the proper investigation of serious and significant wrongdoing and we want to ensure that these matters are properly investigated, and that is why we have gone with the single disclosure process. If matters were to be investigated internally, departmental officials would not have these powers, meaning that investigations could be severely negatively impacted.

Because of what we are doing, the Citizens' Representative will also be aware of all disclosures of serious and significant wrongdoing that are reported and investigated. Whereas if all departments and public bodies were involved, there would be no collective sense of the issues and no ability to prioritize and expedite matters so that investigations receive priority and can be conducted in an expedient manner. This is another advantage of the single disclosure process that we are proposing here.

A few other issues that we have learned about through the Manitoba Auditor General's review of the province's framework for an ethical environment is that there was a need for more communication to employees about the whistleblower act in their jurisdiction and more training for management in conducting investigations. There was also concern raised about the tracking and reporting of disclosures; but, through the Office of the Citizens' Representative, we will implement comprehensive awareness and education opportunities for all employees. Given that the Citizens' Representative will report on all inquiries and investigations through this House, through the House of Assembly, there is no concern about tracking and reporting of activities under this act.

That could be problematic if we had all departments and all public bodies involved in providing advice, if we had all departments and all public bodies involved in receiving disclosures and conducting investigations. So,

we believe that the single disclosure process is extremely advantageous for a number of reasons. It does make our legislation unique. I think it is one of the reasons why our Citizens' Representative and others believe that this is indeed the best whistleblower legislation in the country.

The Citizens' Representative has been consulted. He advises that this is a great model and he is satisfied that he can begin implementation of this legislation within the resources that he has. He will monitor the impacts over time and if he needs to request additional resources – which I know is a concern that came up previously. I do not know whether it was in Committee or in the second reading stage of debate. I know members opposite have raised that concern. If he needs additional resources, he can request them through the House of Assembly Management Commission. We have encouraged him to do so if he feels that it becomes necessary. I am confident he will do so. I am also confident in the strength of the single disclosure process that we have proposed here in Bill 1.

**SOME HON. MEMBERS:** Hear, hear!

**CHAIR:** The hon. the Member for Virginia Waters.

**MS C. BENNETT:** Thank you, Mr. Chair.

I just have a couple of follow-up questions and comments for the minister, based on some of the things he said earlier. Certainly, the intent of the implementing whistleblower legislation is something that this side of the House supports and looks forward to supporting; because, really, what we are talking about here is enabling legislation that protects the people of the Province, particularly their public interest.

I just want to be clear that this legislation is about protecting public interest, not singularly the public service. While it is important that the legislation provide the mechanisms to protect all employees, particularly those valued employees in the public sector, I would ask the minister to clarify his comments earlier about the mechanisms that are in place to protect those individuals who are in the private sector.

It is my understanding – and I stand to be corrected – that the minister referred to the Criminal Code as an example of how employees in the private sector can be protected. I am assuming he might be referring to 425.1 of the Criminal Code. In that particular part of the Criminal Code it says that private company employees are protected when they report to law enforcement, and that is the only time they are protected.

The scenario I would like to ask the minister about is: If I was a subcontractor, or I had an employee of mine who was a subcontractor, doing work for the Province and believing that they were acting in the best interest, but they were asked to take shortcuts, and shortcuts that would either put public safety at risk, would put the investments of the taxpayers at risk, what is the mechanism for that private employee to disclose, should they feel morally obligated to disclose that there is a conflict?

The issue around shortcuts certainly can happen in a small situation, such as, I do not know, a water filtration system being installed in a small municipality. It can also happen in a larger situation when we think about oil and gas development and how shortcuts, and employees in the private sector being aware of those shortcuts, may not have a place that is exclusive of the Criminal Code. They may not necessarily feel it was a criminal act and be willing to go to law enforcement. So maybe there is something about this particular piece of legislation that I am misunderstanding.

I appreciate that it is late in the evening, and the intention of every member of this hon. House is to put legislation in place that acts in the best interest of the public. When you think about situations like – one of the most famous whistleblower cases, which is referred to in many ways as being the premiere discussion around whistleblower, and that is the 1994 incident where Jeffrey Wigand, a former executive of tobacco giant Brown & Williamson, decided to breach his confidentiality agreement to tell the public about the company's ongoing attempts to mask the harmful health effects of its products, including the use of carcinogenic flavour enhancers.

Whistleblower legislation is extremely serious, not just to protect our valued public sector, but more importantly, it is about protecting the interest of the public. It is important that the best legislation that can be enacted is enacted in the public interest of the people of the Province. As I mentioned earlier, you could have a small, or perceived small issues related to somebody being told to skip steps in a process that puts a project at risk, or puts people at risk. If you are in the private sector working as a subcontractor, or working on a contract for government, where is the mechanism for that individual to be able to disclose?

The other question I will ask is, for those individuals who are volunteering on boards that are funded by the provincial government, where is the mechanism for them to be able to disclose? Are they covered as volunteers in the private sector? Not public servants, but those private citizens who are volunteering on multiple boards around the Province doing work on behalf of different priorities, offering their time, offering their service, where is the place that these individuals are protected under this whistleblower legislation? I would ask the minister to comment on that.

**CHAIR:** The hon. the Member for Torngat Mountains.

**MR. EDMUNDS:** Thank you, Mr. Chair.

Again, it is good to rise and speak to Bill 1, the whistleblower legislation.

When I go through this bill, Mr. Chair, I see a lot of Bill 29 in terms of protection of the government side, not so much protection for the whistleblower. I think the intent, if it did in fact take seven years to draft this legislation, Mr. Chair, over the last number of years they had to be keeping their own positions in mind, because that is what we see in this legislation. It protects everybody except the whistleblower. If you look at legislation in other provinces, it is more designed to look after the interests of the whistleblower.

A couple of things that stand out to me is the fact that this legislation is single disclosure and the public does not get a chance to see it. It protects Executive Council. The same

conditions that we saw in Bill 29, that we stood up on many occasions in this hon. House to the point that – we took the position that if government changes, Bill 29 will be repealed.

**CHAIR:** I remind the hon. member to speak to the legislation, please.

**MR. EDMUNDS:** What I am seeing here with this legislation on whistleblower, Mr. Chair, is that amendments can be made, and I think should be made.

We look at the definition of wrongdoing – I am just going from the briefing notes here that were supplied to us. It is too bad it is going to be implemented on July 1. It is too bad it cannot be retroactive. It is too bad it cannot be applied to Executive Council because gross mismanagement, inclusive of public funds or public assets, would be a perfect example of whistleblower legislation.

The last time I spoke on whistleblower legislation, I talked about what it applies to. I am going to quote from the briefing notes, Mr. Chair, it applies to, “an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment...”.

If whistleblower was retroactive it certainly could be applied in the whole Humber Valley Paving issue, Mr. Chair, and it would follow due course. It would protect the whistleblower. I am going to give a scenario, Mr. Chair, if I may. I think one of the Crown corporations that falls under this is Newfoundland and Labrador Hydro and Nalcor.

If we apply the definition of wrongdoing to health and environment, I would like to go back to the Muskrat Falls Project just for an example. Now Nalcor has maintained there will be no environmental impacts downstream from the project. If you check mercury levels in Lake Melville, right now they are at 0.3 per cent mercury. That is from the Upper Churchill project, Mr. Chair. Mercury levels in the lake are being monitored, not by the government, not by Nalcor, but by the Nunatsiavut Government.

I asked a question to the previous Minister of Environment and Conservation: What would

happen if the mercury level goes above 0.3 per cent to 0.5 per cent which brings it to the danger of consumption? Mr. Chair, once it reaches 0.5 per cent then it is an environmental issue. We can blow the whistle. It is an environmental issue.

Now, just to carry on further from that category to health, Mr. Chair, there are 15,000 fathoms of subsistent fishing that goes on out in Lake Melville. People eat the fish. Is Nalcor going to be accountable, should that happen? I am just speculating, a classic example of whistleblower. If the whistle is blown, is there an investigation, or has government protected themselves with this legislation as they have outlined in the conditions that may implicate Executive Council or Cabinet?

That is just one scenario and I think it is very fitting. It says right in the act that it applies to life, specific danger, health, and environmental impacts, so a good example. Should that happen, maybe someone will blow the whistle.

In terms of the Muskrat Falls Project, that is the example that I have used that is relevant here to this legislation. The other one is single disclosure, double disclosure. I think it can be done simultaneously. I think the public has the right to know. The reason why I think this government is using the single disclosure process is because it protects them.

If you look at the possible time elapse from the time an issue is raised with the Office of the Citizens' Representative, he can take into account the time passed. If he deems that too much time has passed, then he does not have to investigate. Where does that leave a person who followed protocols and put his job or his commitment on the line? Is he protected? That is why I would recommend double disclosure. Let the people of the Province know when there is something wrong.

The other issue that you could talk about is the fact that during the time of investigation if it is in fact a real and imminent danger, the process could be ongoing. It could be more danger to life, to the environment, or to the health of a person or persons. I think that if an individual can make a statement regarding whistleblower,

to make sure that an error is corrected that he should be able to do it twofold.

I think it would still allow the Office of the Citizens' Representative to do his or her job. I think it would give them more of a mandate to investigate knowing that the public is well aware of any compromise that would affect the people of our Province.

The last time I spoke to this I talked about another example where there was a release made and there was environmental impact and that was the dumping of toxic material into Anaktalak Bay which is, in fact, a major char run bay adjacent to Nain. There were enough toxins that went out that, I think, could fill ten Olympic-size swimming pools. This process is still under investigation.

This legislation, if it is, in fact, designed or amended to look after the interests of the people, I would feel much better supporting it. I do support this legislation with the amendments that I am sure will come because, as I have said so many times in this hon. House, all legislation is up for amendment. I think this clearly fits the category of amendment.

Thank you.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KENT:** Thank you, Mr. Chair.

I am very happy to get up once again and respond to some of the points that have been raised.

The Member for Virginia Waters asks about mechanisms for whistleblowers in terms of the private sector. The answer is yes, you would use the Criminal Code, and I am sure she is taking note. You would use the Criminal Code and you would disclose to the police if you consider a matter to be criminal in nature.

It is really that simple. I hope that clarifies it. Perhaps I do not completely understand the point that the member is trying to make, but the

answer is yes, the Criminal Code would apply. I hope that answers her question.

The Member for Torngat Mountains has some really interesting things to say. I am not sure how relevant they were to the debate. That is the Chair's call, not mine, of course, and I respect the rulings of the Chair. The Member for Torngat Mountains said he will support the legislation. Listen to this; he will support the legislation with the amendments he is sure are coming.

We have been in the Committee stage of this bill for several hours. In fact, this is the third day we have been in the Legislature where we have debated whistleblower legislation. I am glad, I hope the debate will continue because it is an important piece of legislation and members opposite have acknowledged how important this legislation is. It has been a long time coming. I acknowledge that and they acknowledge that as well.

The Member for Torngat Mountains is saying that he is prepared to support this legislation with the amendments he knows are coming. We have been listening very carefully –

**MR. EDMUNDS:** A point of order.

**CHAIR (Cross):** The Member for Torngat Mountains, on a point of order.

**MR. EDMUNDS:** (Inaudible) for that, the amendments could come in the next two hours, the next two years, or the next two decades, Mr. Chair.

**CHAIR:** There is no point of order.

The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** We heard him say, Mr. Chair, that the amendments are coming during this debate. He said it is common in pieces of legislation for amendments to be introduced, and that is fair enough. He is going to support the legislation with the amendments he knows are coming.

I have heard lots of criticism and I respect that, because the Opposition generally criticizes, that is part of their role. The criticism is related to

retroactivity, it is related to the private sector, it is related to municipalities, it is related to the definition of wrongdoing, and it is related to our single disclosure process, which is one of the real strengths of this legislation. It has been related to some of the concerns raised by the Centre for Law and Democracy. We have heard all that criticism, and yet, not a single specific suggestion on how to strengthen the legislation or how to improve the legislation has come forward.

The Member for Torngat Mountains apparently has some information that I do not have, and perhaps information that other members of the House do not have. He is saying he is ready to support the bill. He is ready to support the legislation with the amendments that they are going to propose some day at some point during this debate.

Based on the criticisms that have been made, I would just respectfully suggest that if you have suggestions on how to strengthen this legislation or how to improve it then propose amendments. Propose some amendments and let us get serious about this debate, or let us just vote for the bill. The Member for Torngat Mountains made it quite clear that he is prepared to support the bill. He is quite prepared to support the bill with the amendments that he apparently has.

**SOME HON. MEMBERS:** Oh, oh!

**CHAIR:** Order, please!

**MR. KENT:** I challenge the hon. member, if he has amendments, to stand up and propose them and we will absolutely consider them. You have my word that we will consider them, and we will consider them fully. If there are suggestions that are made by any member of this House that actually improve and strengthen our legislation, then that is something I am quite interested in and I know other members of this House are quite interested in hearing about.

If you think you can improve the legislation, I say to the Member for Torngat Mountains, propose some amendments. If you cannot, because we have been here for several hours and we have not heard one yet, we are still debating clause 1, then maybe we should just get on with

the vote, if there are not specific suggestions the members are prepared to make.

I look forward to hearing from them. I hope that if any of these criticisms they have made have any legitimacy, have any substance to them, that we will be seeing some amendments; otherwise, I hope we can get on with the process.

I will continue to listen intently, I will do my best to answer questions; but for the member to suggest that he is prepared to support the bill with the amendments that are coming, I would like to get a better understanding of what amendments he is referring to, Mr. Chair.

**CHAIR:** The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Thank you, Mr. Chair.

It is a pleasure to stand on my feet again to speak to this piece of legislation. I will say to the minister that we will continue to have substantive debate, as we have had in other pieces of legislation, and we have seen it where this government has failed to listen to the amendments, have pulled legislation from the House by invoking closure –

**SOME HON. MEMBERS:** Oh, oh!

**CHAIR:** Order, please!

**MR. MITCHELMORE:** – in places like Bill 29 before. So we will see how serious you are about amendments that come forward to this particular piece of legislation, I say to the minister.

Now, the last time that I was on my feet I talked about the protection of the employees, and this goes to clause 21 about how we need to make sure that we are protecting employees from reprisal. That is really important, because you could see organizational issues that will come from this where an employee would actually be blowing the whistle and then actually have reprisals against them.

I want to actually point out an example that happened where Canada's energy regulator had to come forward and actually step in and



intervene in a situation when we look at the Keystone XL Pipeline Project where the builder failed to meet federal rules. We saw where an engineer was a whistleblower in this situation and had said that they are doing shoddy work here. They are not meeting the standards when it comes to compliance of the welding work that is needed to be done; that there is hazardous and real risk identification that was put forward, and that the company is failing to meet their compliance. Then they went forward internally and no one had basically dealt with their matter, so then they took it to the regulator, to the National Energy Board.

In it, they were talking about how there were systemic and substandard pipeline welding and inspection practices that were taking place, and the regulator confirmed that this was indeed the case. The engineer was looking after the public interest here. There is supposed to be a real regulatory framework to protect the whistleblower, but in this situation the board itself, the regulator, said that they want individuals to voice safety concerns to companies internally and, when it is necessary, to bring it to the attention of the board. So you have an internal process, you try and deal with it that way, with the company and with the executive; and if they are failing to comply, then there would be a regulator, an external process where they could go to.

Do you know what? That engineer was fired after they filed the complaint with the regulator. So, there was reprisal, and you are talking about a professional engineer that now is only working at a very limited schedule based on making that complaint. We are talking about professionals here who are looking at protecting the public interest, saving, potentially, lives and billions of dollars in public infrastructure cost by doing what is right. I worked for the Association of Professional Engineers. I worked for these professionals under an association here, and I know their code of conduct that they have and the ethics, and what it means to hold that iron ring and the professionalism and the integrity that they have.

When we look at that and we see in this situation where somebody who is working for the company is now fired for looking after the public interest, it is no different than looking at

Nalcor, for example, as a company which is falling under this legislation. If we look at a situation where an engineer would want to make a complaint, they cannot do it internally. They could go to a regulator, but look at the reprisal that happened in this situation when we are talking about the Keystone Pipeline.

We want to make sure that when we pass legislation that people are protected so that we are not seeing these types of things happen. Because they are looking after the public good, and that is really important to make that distinction as to these things happen. We can say the legislation is going to protect them, but Canada has this legislation federally and we see case after case where the whistleblower is still finding themselves on the unemployment end. We are talking about a professional now who basically their career is facing real difficult decisions because they did what is right, and that is something that the minister needs to clarify and give assurances here in this House of Assembly.

Also, I guess there is something else to make a point of the circumstance and the timeliness of is there an exception, is there a possibility where you would not go to the Office of the Citizens' Representative if it is an exceptional circumstance because there is an emergency disclosure that must be made, you know that something is going to happen rather quickly and you know that if you do not disclose this immediately, if you do not go, for example, to the media then there would be imminent danger of somebody's health or safety or the environment as the Member for Torngat Mountains was talking about contamination and things like that that would happen – would there not be an exceptional circumstance and there be some reasonable disclosure where they could do that?

I know that piece would be left for interpretation. Where they would not be able to have that external disclosure, we want to certainly allow people to have the opportunity to go through the formal process but some things may not have the opportunity to wait and there may be an exceptional circumstance.

I do not see anything like that addressed in this piece of legislation that is put forward if

somebody does not act right away. The Office of the Citizens' Representative is not a twenty-four seven office and there may be something that somebody knows and if they do not tell someone right away, then there could be something catastrophic that would happen to the public good.

I ask the minister to clarify if there are certain circumstances where we will not see, like the example that I have put forward, and if there can be clarification on that.

Thank you, Mr. Chair.

**CHAIR:** The Chair recognizes the Member for Bay of Islands.

**MR. JOYCE:** Thank you, Mr. Chair.

I was not going to have a few words tonight until I heard the minister talk about if we have amendments. When you are talking about amendments, I ask the Chair, the Government House Leader already knows there are amendments coming. Mr. Chair, you informed them that we had amendments coming. So if your Government House Leader, I say to the minister, do not want to speak to you, that is fine; but do not go saying the people over here, the Member for Torngat Mountains, to bring them on, when the Government House Leader already knows there are amendments coming, Mr. Chair.

Mr. Chair, that is the kind of things –

**AN HON. MEMBER:** (Inaudible).

**MR. JOYCE:** Pardon me?

**AN HON. MEMBER:** (Inaudible).

**MR. JOYCE:** Don't go standing up here and saying if we have amendments out here, then why don't you bring them on? Mr. Chair, you told the Government House Leader we are bringing amendments.

**CHAIR (Littlejohn):** I ask the hon. member to speak to the bill, please.

**MR. JOYCE:** I am speaking to the bill. There will be amendments coming. If the Government

House Leader do not want to tell the minister – who already knows from an independent Chair who informed the Government House Leader that we do have amendments, he should have passed it on to his minister and stop criticizing the Member for Torngat Mountains, Mr. Chair. That is what is happening here now.

Mr. Chair, we are bringing up whistleblower and here we are saying to the member if you have amendments, bring them on. We are waiting seven years for the bill. We were waiting seven years for the bill. So, here we are the third hour into debate and where are your amendments. My blessed Lord, Mr. Chair, they have more face than the Joker had. This is just getting unbelievable.

Let's talk about the whistleblower, Mr. Chair. Let's talk about why we cannot make it retroactive. Why can't we make it retroactive?

Let's use an example. Let's use Humber Valley Paving. Here is a prime example, Humber Valley Paving. What if someone in that department – now I am not saying there was anything illegal, I am definitely inferring that, but we could use it as an example because it is in the media. What if some bureaucrat in government wanted to say: There is no date on that letter and I know why. Yet, they cannot say a word. They cannot say a word why there was no date. Do you know why? It is not until July, until all of this is taken care of, Mr. Chair.

If anything happened in the last twelve years, no one can bring it up. No one could bring this up in the last twelve years. Anything that has happened in the last twelve years, it cannot be brought up. Do you call that convenient? As an independent Chair who knew there were amendments here on this table, do you call that being fair? That is why we need this to be retroactive, Mr. Chair.

Here we are today, we are going to be talking about this whistleblower – I hear the Parliamentary Assistant to the Premier over there now.

**MR. HEDDERSON:** (Inaudible).

**MR. JOYCE:** Mr. Chair, I ask for a bit of protection. The Member for Harbour Main can stand up and speak. You can stand up.

**MR. HEDDERSON:** I am not standing up. (Inaudible) when I want to.

**MR. JOYCE:** You can stand up.

**SOME HON. MEMBERS:** Oh, oh!

**CHAIR:** Order, please!

The hon. the Member for Bay of Islands.

**MR. JOYCE:** Mr. Chair, I will calm them down. I will not talk about Humber Valley Paving anymore. We will let Question Period take care of that, Mr. Chair, because we do not want anything paved over there. We want everything up front.

When we are talking about whistleblower legislation, that is a prime example too. That is a prime example here. If you want to talk about retroactive you can talk about the Corner Brook hospital. That is a prime example of why I feel you should have retroactive legislation for the whistleblower.

You should have retroactive legislation because all these different stories we had about the Corner Brook hospital, that it was not being built, it was. The design was done. The design was not being done. We are starting at such-and-such a time. It is not supposed to start. I hate to say this, Mr. Chair, the only minister who was upfront with me was the Member for Harbour Main, who was Minister of Transportation and Works at the time. He was the only one that I can say whistleblower would never affect.

Mr. Chair, here we are talking about a very important piece of legislation and here we are as a group trying to make amendments, and we will make amendments, trying to strengthen this. Do you the funny thing about it? During Bill 29 we put amendments in, every amendment was rejected because they were no good. Guess what? They took Bill 29, threw it out through the door and they started all over. That is why you have to listen to amendments. Everybody on this side, some of us have some good ideas.

This is not all about just walking on and trying to beat up on government and say you are a bad government. This is trying to strengthen legislation for the people of Newfoundland and Labrador. This is trying to strengthen it, that if someone sees something bad – to make them feel confident, Mr. Chair, that if they spoke up they are going to be protected. We need that, Mr. Chair.

When we bring amendments forward, which we are, it is not a bad thing. We were here for five days debating Bill 29.

**CHAIR:** I ask you to come back to the bill.

The hon. member.

**MR. JOYCE:** I am back to the bill, Mr. Chair, and talking about amendments in another example. That is why amendments are here –

**CHAIR:** We have no amendments on the floor.

I ask the hon. member to speak to the bill.

**MR. JOYCE:** Mr. Chair, I thought I heard you mention to the Government House Leader that there were amendments.

**CHAIR:** I ask the hon. member to speak to the bill, please.

**MR. JOYCE:** Okay, I will speak to the bill.

Mr. Chair, what happened here is we have to look at more than one way to protect the worker. Is it a single way to go to the Citizens' Representative? Is that the best way to go?

**MR. J. BENNETT:** Only if you have to.

**MR. JOYCE:** Only if you have to. There has to be other ways to settle this, Mr. Chair. There has to be other ways to look at this whistleblower legislation.

What we need to do, Mr. Chair, as a group here in this House is to work together. Because I really feel there is no one in this House who would like to see any wrongdoing, that if someone brings it forward they are protected. I really, truly, feel that.

We are going to have one good shot at this. So let's all work together and let's all find a way – we can all make sure that when this bill is put forth, when this bill is complete, when we are doing this here, that we have the people who are going to step forward, put their neck on the line, and make sure they are protected to the best of our ability, Mr. Chair.

I am going to have a few words later on the bill, Mr. Chair, but I just wanted to stand up and have a few words because I heard something about amendments and just to ensure that we did have them in. I will sit down, but I will be back when the amendments come up.

Thank you, Mr. Chair.

**CHAIR:** The hon. the Member for Torngat Mountains.

**MR. EDMUNDS:** Thank you, Mr. Chair.

I would just like to make a few comments, I will not too long.

When we talk about Bill 1, this is new legislation, we talk about proposing amendments, and you have been informed that we will. I would like to, for the sake of relevance and reference, to go to Bill 10. I will quote Bill 10, Mr. Chair. It says, An Act to Amend the Buildings Accessibility Act. Mr. Chair, this amendment was brought forward by this government. I would like to go to Bill 12, An Act to Amend the Revenue Administration Act.

Amendments are made all the time. When you look at Bill 1 being a new bill, of course it is going to be open for revisiting. I do not think the minister can say with total satisfaction that this bill, this new legislation will never be revisited. That is the reason I brought it up, Mr. Chair.

We stood up here for eighty-four hours on Bill 29. As my hon. colleague from Bay of Islands said, every amendment that we proposed was rejected. Well, guess what? Less than a year later, just about a year later, the Premier himself puts the whole bill to a bunch of consultants to revisit. If that is not an amendment, Mr. Chair, then I do not know the definition of an

amendment. The whole bill is being revisited, and this is a government that stood up and turned down every amendment we proposed. I am just thinking that maybe –

**CHAIR:** I am going to ask the member to go to Bill 1, please.

**MR. EDMUNDS:** Yes.

Just maybe the amendments that we might propose here will be looked at by this government, for the simple fact that every piece of legislation that comes from the past is titled: An Act To Amend. This government should know about amendments and they should expect amendments because legislation is always there to be improved on. I am hopeful this government will accept the amendments as they come forward, Mr. Chair, whether they are now, in the next two hours, or the next two decades.

Thank you, Mr. Chair.

**CHAIR:** The hon. the Member for St. Barbe.

**MR. J. BENNETT:** Thank you, Mr. Chair.

Mr. Chair, I would like to help the minister a little bit and try to explain to him, as I did some time ago when we were in second reading, about the difference between retroactive and retrospective statutes. He has been kind enough to reference the Supreme Court of Canada tonight, so I will as well. That would seem to be a strong authority for the difference between retroactive and retrospective statutes.

Mr. Chair, the term retroactive and retrospective are often used interchangeably. Sometimes they can be, but usually it just causes confusion. It is useful to discuss terminology before we look at a consideration of this relevant issue we are dealing with. The issue is what will happen if this whistleblower legislation provides protection from July 1 forward, yet it covers complaints about wrongdoing from prior to July 1, 2014 and in particular if it applies to wrongdoing, let us say from the time the government that made the promise was elected.

The Supreme Court of Canada in a case called *Benner in Canada* 1997 CanLII 376, the Supreme Court of Canada report says, “A

retroactive statute is one that operates as of a time prior to its enactment.” It operates prior to the time it was enacted. However, “A retrospective statute is one that operates for the future only.” That means from today forward or in this case after it passed from July 1 forward, “It is prospective, but it imposes new results in respect of a past event.” The past event is some wrongdoing done by somebody. The prospective benefit is a benefit conferred on the whistleblower who cannot be punished for talking about something that happened before July 1, 2014.

Mr. Chair, it is quite simple, the legislation could cover the period of time the wrongdoing took place prior to 2001 but the protection runs from July 1 forward. The protection is for the whistleblower. This is not about enacting a new law to create a new wrong for what somebody did in the past.

The Supreme Court of Canada says a retroactive statute operates backwards; a retrospective statute operates forward, but always looks backward in that it attaches new consequences for the future to an event that took place before the statute was enacted. Clear, concise, and it is the law in Canada. The Supreme Court of Canada, if they had to pass an opinion on this piece of legislation or any piece of legislation, would use that definition. Yet it is so difficult to get the minister to understand the difference even though I spoke at length about it previously.

If he did not like the Supreme Court of Canada he could look at the British Columbia Court of Appeal in a case called Hornby Island Local Trust Committee and Stormwell 1998. The British Columbia Court of Appeal said “A retroactive statute operates forward in time, starting from a point further...” backwards. The legislation would not start from a point in the distant past or any time in the past. It would be a retrospective statute. It would operate forward, but it will cover a wrong that took place prior to the enactment of the legislation.

Mr. Chair, until we can understand that, until the minister can understand basic terminology in the construction of statutes I do not see how we can have an effective debate. He takes offence any time somebody offers a suggestion, even though

he encourages suggestions. He gets angry just because he does not know everything and nobody knows everything.

I understand the issue that he has is likely the same issue that was transmitted in the briefing we were provided with. I was grateful to have the briefing; however, the same people who provided the briefing are the same people who fell into the mistake, the misunderstanding of what retrospective statutes are versus retroactive statutes.

If the minister could understand that this should be a retrospective statute that would cover wrongdoing in the past and provide protection to a whistleblower in the future, I am sure we would have a starting point. Other than that, Mr. Chair, I have no more comments.

**CHAIR:** The hon. the Member for Mount Pearl South.

**MR. LANE:** Thank you, Mr. Chair.

It certainly is good to have an opportunity to speak once again to Bill 1. I have had lots of opportunities.

**AN HON. MEMBER:** (Inaudible).

**MR. LANE:** I am going to have many opportunities, I would say to the member opposite. As many as I decide I want to have to speak to this.

Mr. Chair, the last time I was up I questioned the whole issue around why municipalities were not covered by this particular piece of legislation, particularly given the fact that, as indicated, many of them do have large budgets and they are responsible for many things that impact the daily lives of our citizens.

**CHAIR:** I remind the hon. member that he made his points on the municipalities issue. Unless it is a new point –

**MR. LANE:** Yes, I am getting to that right there now. I was just leading into it with my comments, Mr. Chair.

In response, the Minister of Municipal Affairs and the Minister Responsible for Public

Engagement indicated that municipalities could enact whistleblower legislation if they so choose and he encouraged municipalities to enact them. Mr. Chair, my understanding of the Municipalities Act - and certainly I know it was an issue we had when I was with the City of Mount Pearl, by way of example - was the legislation that is covering municipalities, whether it be the cities act which covers the City of Mount Pearl, the City of St. John's and the City of Corner Brook, or whether it be the Municipalities Act, is prescriptive in nature. Which means, basically, unless the act itself specifically specifies what a city could do in terms of the cities act and what a municipality could do in terms of the Municipalities Act, unless it specifically spells out what it can do, than other things outside that it cannot do.

Basically, for the minister to indicate that municipalities could enact whistleblower legislation, then I would question whether that is the case given the fact that municipalities in our Province currently do not have enabling legislation. The City of Mount Pearl, the City of St. John's, and the City of Corner Brook Acts do not have enabling legislation. Those municipalities have been asking for enabling legislation for a number of years. I know the minister himself, when he was on the council and I served with him, I believe we were lobbying for enabling legislation.

Based on the fact that we currently do not have enabling legislation, and the other municipalities outside the cities act do not have enabling legislation, then I question how they could actually enact whistleblower legislation in a meaningful, legislative way. Perhaps they could put in some kind of a general policy or something like that. In terms of actually having legislation, which would be binding in law, I do not believe they have the ability to actually do that.

Unless the minister intends on changing the Municipalities Act and the cities act to give them the ability to enact whistleblower legislation, then I am not sure that could work. Maybe he could explain that. If I am missing something there, then absolutely I would love to hear what he has to say about it.

The other point that the minister made in response to my earlier comments, he was talking about how I had used the example of Walkerton in terms of the importance of some of the issues that municipalities deal with. I referenced Walkerton. I did not reference it to be dramatic, but I did want to get the point across that municipalities do deal with a number of serious issues.

It may not be Walkerton, but certainly we know that there are a number of municipalities, small towns in the Province, for example, that are on boil orders and so on. They have issues with drinking water. Mr. Chair, it is important that the point be made.

In reference to that and in answering my question on the Walkerton example, the minister indicated that currently, under the ATIPP Act, municipalities would be forced by law under ATIPP to disclose issues such as Walkerton, issues that would have a very serious impact on the environment or on human health and so on. Under the ATIPP legislation, they would be required to disclose that to the public.

That, on the surface, sounds fine, sounds reasonable; but again, the only point I would raise is that given the fact that whistleblower legislation is in place to deal with, in a lot of cases, where you have decisions that are being made by people in authority, or bodies in authority and so on that are not necessarily the proper decisions, that sometimes perhaps somebody could be covering something up.

As the minister indicated here, under this particular example it would not be covered up. Under this particular example, he is suggesting that if there was a serious environmental issue, it would be brought forward under ATIPP; but if the individual responsible for bringing that forward was trying to hide it, was trying to cover it up, which is really what whistleblower is all about, to uncover these things, then the bottom line is that it is important here to note that is why we have this whistleblower legislation because someone might be trying to cover it up. They may not want to release it under ATIPP. Even though they are supposed to release it under ATIPP, they may not do it. So, now we need to make sure that there is a mechanism within that municipality to uncover that and bring the issue

forward that it was trying to be covered up. I am not sure that answer necessarily holds water on the issue raised, and at the very least I raised another concern around it that maybe the minister could comment on as well.

Mr. Chair, another issue, which I just wanted to raise, is the fact that there is no provision that I can see here for if somebody does bring something forward under whistleblower, they are meant to be protected under the act. That a manager, for example, or a director with a department cannot discriminate against an employee; this person is protected and they cannot be discriminated against, or sanctioned or fired or whatever, because they brought forward something in the public interest.

Let's say, for argument's sake, that somebody brings something forward and even though they are supposed to be protected, even though the manager or the director is not supposed to take discriminatory action, not under the law, what about if they do it anyway? I do not mean necessarily being blatant about it, to fire the person on the spot, but they could make sure that the person, for example, does not get that promotion. They could make sure that the person gets all the lousy shifts. If there they are doing shift work and so on, they can make sure they have to work all the holidays. There are other ways to discriminate against employees, to get back at them without actually firing them.

If somebody were to do that, then where is the remedy in the legislation to protect the person from that? I know, for example, under the Occupational Health and Safety Act that if an employee refuses to do unsafe work, there is a clause there that the employer cannot discriminate. If the employer does discriminate against the employee because they refused to do unsafe work, then that supervisor can be charged themselves under the act for discriminating against the employee.

I do not see any sanction here against a manager who does discriminate, for example, against someone who does blow the whistle. It says that the employee is to be protected; but if that employee, for example, does get discriminated against, I do not see any sanctioning piece against the person who discriminated against that employee.

That is another shortfall that I see here. Unless it is here somewhere and I am not seeing it, it does not appear to be covered.

**CHAIR:** I remind the hon. member his speaking time is up.

**MR. LANE:** Thank you, Mr. Chair.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Thank you, Mr. Chair.

I just want to address the point the member was raising with regard to municipalities. Municipalities have the ability to introduce a whistleblower policy, if they wish to do so. There is nothing in our municipal legislation that would prevent them from doing that. Similarly, Memorial University has its own whistleblower policy today. They do not need legislation in order to be able to do that.

Again, I would encourage municipalities, if they feel they can benefit, their employees can benefit, and their citizens can benefit from having whistleblower protection, then a municipality could establish such a policy today. A private sector organization could establish such a policy today.

Our own university has already established such a policy. In the universities case, it is actually an independent third party that hears complaints, receives complaints, and investigates complaints under the policy. It is a very good policy that is in place at Memorial University. I hope that clarifies the member's concern once again related to municipalities.

**CHAIR:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Chair.

I move, seconded by the Minister of Finance, that the Committee rise, report progress and ask leave to sit again.

**CHAIR:** The motion is that the Committee rise, report progress and ask leave to sit again.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

Motion carried.

**CHAIR:** All those against, 'nay'.

The House stands adjourned until 1:30 p.m. tomorrow afternoon.

Carried.

On motion, the House at its rising adjourned until tomorrow, Tuesday, at 1:30 p.m.

On motion, that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

**MR. SPEAKER (Wiseman):** The hon. the Member for the District of Port de Grave.

**MR. LITTLEJOHN:** Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have asked me to report progress, and ask leave to sit again.

**MR. SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred, report progress and ask leave to sit again.

When shall the report be received?

**MR. KING:** Now.

**MR. SPEAKER:** Now.

When shall the Committee sit again?

**MR. KING:** On tomorrow.

**MR. SPEAKER:** On tomorrow.

On motion, report received and adopted. Committee ordered to sit again on tomorrow.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

I moved, seconded by the Member for Port de Grave, that the House do now adjourn.

**MR. SPEAKER:** It has been moved and seconded that this House do now adjourn.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MS SULLIVAN:** All those against, 'nay'.